

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FLUOR CORPORATION,

Plaintiff/Counterclaim Defendant,

v.

ZURICH AMERICAN INSURANCE
COMPANY,

Defendant/Counterclaim Plaintiff.

No. 4:16CV00429 ERW

MEMORANDUM AND ORDER

As requested, the Court has ruled on the objections in designated depositions presented in Zurich's Objections and Counter-Designations to Fluor's Deposition Designations and Discover Designations [670] and Fluor Corporation's Objections to Zurich American Insurance Company's Deposition Designations and Fluor Corporation's Counter Designations [674] for the following potential witnesses:

1. John Quinn – June 21, 2019 and December 13, 2019
2. JoLynn Pollard Scharrer – January 20, 2020
3. Paul Bruno – August 1-2, 2019
4. Marc Halpern – January 7-8, 2020
5. Matthew Porten – June 11, 2019
6. Vincent Biancamano – January 15, 2020
7. Andrew Rothschild – January 14, 2020
8. John Mahoney – January 14, 2020

1. John Quinn

Deposition of Matthew Borten June 11, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
290:5-290:6			

G. Deposition of John Quinn (June 21, 2019)

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
7:3-7:5			
7:20-7:21			
8:24-9:21			
25:13-26:6		26:15-19, 26:21-22	Permit
29:4-29:9			
29:14-29:15			
29:17-29:24			
30:10-30:19			
30:21-31:1			
31:3-31:25 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702]		
32:2-32:5			
32:13-32:16			
32:19-32:20			
33:15-34:16			
34:18-35:20			
35:24-36:21			
36:23-37:3			
38:19-38:23			
38:25-39:4			
45:4-45:7			
45:10-46:8			
46:10-46:11			
46:14-46:24			
47:2-47:10			

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
47:12-47:16 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)] lack of foundation [104(a), 901, 902]		
47:19-47:20 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)] lack of foundation [104(a), 901, 902]	47:21-23, 47:25-48:5	
48:6-48:7			
48:11-48:15			
54:22-57:14			
57:22-58:20 <i>overruled</i>	calls for speculation [602, 701, 702]		
59:4-59:8			
59:10-59:15			
59:17-60:11			
60:15-60:25			
61:1-61:10			
62:1-62:9			
62:16-63:3			
63:11-64:8			
64:11-65:11			
71:1-72:7			
72:24-73:12			
73:19-74:18			
74:23-76:1			
76:4-76:8 <i>overruled</i>	calls for speculation [602, 701, 702] lack of foundation [104(a), 901, 902]		
76:11-76:17 <i>overruled</i>	calls for speculation [602, 701, 702]		

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
	lack of foundation [104(a), 901, 902]		
76:20-76:22 <i>overruled</i>	calls for speculation [602, 701, 702] lack of foundation [104(a), 901, 902]		
78:18-80:8		81:11-83:7, 83:20-25 <i>permt</i>	<i>permt</i>
84:16-84:24			
85:4-86:12		87:7-10	<i>permt</i>
90:4-90:6 <i>overruled</i>	relevance [401, 402]		
90:9-91:12 <i>overruled</i>	relevance [401, 402]	91:13-20 <i>Permt</i>	
95:13-95:15 <i>overruled</i>	relevance [401, 402]	93:15-94:22, 94:25-95:2 <i>permt</i>	<i>permt</i>
95:18-96:12 <i>overruled</i>	relevance [401, 402]		
97:24-97:25 <i>overruled</i>	relevance [401, 402]	98:1-2, 98:8 <i>permt</i>	
98:24-99:13 <i>overruled</i>	relevance [401, 402]		
100:2-101:6 <i>overruled</i>	relevance [401, 402]		
101:9-102:2 <i>overruled</i>	relevance [401, 402]		
102:4-102:12 <i>overruled</i>	relevance [401, 402]	102:13-16, 102:18-103:4 <i>permt</i>	<i>permt</i>
104:24-105:1 <i>overruled</i>			
105:3-105:7			
105:10			
107:18-107:22 <i>overruled</i>	relevance [401, 402]	107:23-24, 108:1, 108:4-6, 108:12-109:18 <i>permt</i>	<i>permt</i>
115:23-116:5 <i>overruled</i>	relevance [401, 402]		
117:4-117:5 <i>overruled</i>	relevance [401, 402]		
117:7-117:16 <i>overruled</i>	relevance [401, 402]		
117:22-117:25 <i>overruled</i>	relevance [401, 402]		
118:4-118:5 <i>overruled</i>	relevance [401, 402]		
118:11-118:12 <i>overruled</i>	relevance [401, 402]		
118:14-118:18 <i>overruled</i>	relevance [401, 402]		
119:1-119:4			
119:6			
124:12-124:19			
128:8-128:23			
130:25-131:3	calls for legal conclusion [701,		

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
	704], lack of foundation [104(a), 901, 902], lay opinion [701], calls for speculation [602, 701, 702], relevance [401, 402]		
131:9-131:13 <i>overruled</i>	calls for legal conclusion [701, 704], lack of foundation [104(a), 901, 902], lay opinion [701], calls for speculation [602, 701, 702], relevance [401, 402]		
131:16-131:18 <i>overruled</i>	calls for legal conclusion [701, 704], lack of foundation [104(a), 901, 902], lay opinion [701], calls for speculation [602, 701, 702], relevance [401, 402]		
134:9-135:1			
139:16-139:20			
139:23			
140:23-141:2			
141:5			
141:25-142:2			
142:5-142:9			
142:11-142:12			
142:15-142:16			
143:5-143:14			
143:17-143:19		144:10-18 <i>summit</i>	
145:16-146:9			

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
146:12-146:24 <i>overruled</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]		
147:2-147:16 <i>Sustained</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]	147:21-23 <i>permitted</i>	
147:19-147:20 <i>sustained</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]		
148:18-148:19 <i>this is the question by the witness was it ask for a ruling, overruled</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]		
148:21-148:24 <i>Sustained</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]		

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
151:19-151:23			
151:25-152:1		152:2-9 <i>permt</i>	
152:10-152:11			
152:13-152:15			
153:3-153:5			
153:7-153:15 <i>Sustained</i>	ambiguous, confusing [611(a)], calls for speculation [602, 701, 702], calls for hearsay, no exception [801]		
153:20-154:6 <i>Sustained</i>	ambiguous, confusing [611(a)], calls for speculation [602, 701, 702], calls for hearsay, no exception [801]	154:7-13 <i>Permt</i> 154:15-17 <i>Permt</i> 154:20-155:12 <i>permt</i>	
158:4-158:5			
159:4-159:16			
160:2-160:14			
160:16-160:21			
161:14-163:1			
163:4-163:9			
163:12-163:15			
163:18-163:22			
163:24-164:2			
164:4-164:18			
164:20-165:4			
165:6-165:13			
165:15-165:18			
165:20-166:2			
166:4-166:7			
166:10-166:16			
166:18-167:9			
169:21-169:22			
170:7-171:18		175:25-176:3, 176:5, 176:8-177:2	<i>permt all</i> <i>permt</i>
178:7-180:9 <i>Sustained</i>	assumes facts not in evidence, ambiguous,		

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
	confusing [611(a)], calls for speculation [602, 701, 702], relevance [401, 402]		
180:12-181:6 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702], relevance [401, 402]	181:23-182:1, 182:4-8	<i>permit</i>
182:9-182:16			
182:19-182:21			
197:14-199:1			
199:3-200:5		201:22-203:2	
203:22-204:22 <i>overruled</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]		
204:24-205:2 <i>overruled</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]		
205:4-206:8 <i>overruled</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]		

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
206:10-206:18 <i>overruled</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]	206:19-23 <i>permitted</i> 207:16-208:7 <i>permitted</i>	
214:23-214:24			
215:3-215:8			
215:10-215:23			
216:13-217:5			
219:5-219:21			
221:16-221:24			
222:2-222:10			
224:20-224:23			
225:1-225:12			
225:14-227:5			
231:7-234:14			
235:25-236:11			
236:13-236:16			
240:20-241:1			
241:3-241:14		242:8-16 <i>permitted</i>	
245:4-245:5			
245:7-245:17			
247:2-247:14			
247:16-247:20			
258:18-259:19			
259:21-261:17			
261:20-261:25			
262:7-262:8			
265:18-266:4 <i>overruled</i>	relevance [401, 402]		
266:7-266:14 <i>overruled</i>	relevance [401, 402]		
266:18-266:20 <i>overruled</i>	relevance [401, 402]		
266:22-267:4 <i>overruled</i>	relevance [401, 402]		
267:7-267:10 <i>overruled</i>	relevance [401, 402]		
267:16-268:25 <i>overruled</i>	relevance [401, 402]		
269:3-269:8 <i>permitted</i>	relevance [401, 402]		
269:13-270:16 <i>overruled</i>	relevance [401, 402]		
271:4-272:13 <i>permitted</i>	relevance [401, 402]		

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
274:7-274:17 <i>overruled</i>	relevance [401, 402]		
275:11-275:19 <i>overruled</i>	relevance [401, 402]		
275:22-276:10 <i>overruled</i>	relevance [401, 402]		
276:14-276:18 <i>overruled</i>	relevance [401, 402]		
279:2-279:5 <i>overruled</i>	relevance [401, 402]		
279:8 <i>overruled</i>	relevance [401, 402]		
284:13-285:1 <i>overruled</i>	relevance [401, 402]		

H. Deposition of John Quinn (December 13, 2019)

Deposition of John Quinn December 13, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
8:15-9:17 <i>overruled</i>	lack of foundation [104(a), 901, 902], calls for speculation [602, 701, 702], relevance [401, 402]		
9:20-10:1 <i>overruled</i>	lack of foundation [104(a), 901, 902], calls for speculation [602, 701, 702], relevance [401, 402]		
17:17-17:20			
18:24-19:5 <i>overruled</i>	lack of foundation [104(a), 901, 902] assumes facts not in evidence [611(a)] calls for hearsay, no exception [801]	18:6-23 <i>permitted</i>	
19:7-19:24 <i>overruled</i>	lack of foundation [104(a), 901, 902] assumes facts not in evidence [611(a)] calls for hearsay, no exception [801]	19:25-20:6 <i>permitted</i> 20:9-21:4 <i>permitted</i>	
24:6-24:22	improper designation (Non-Testimony),		

Deposition of John Quinn December 13, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
	assumes facts not in evidence, ambiguous, confusing [611(a)], relevance [401, 402]		
33:19-35:1 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)] relevance [401, 402], calls for hearsay, no exception [801]		
35:21-36:7 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)] relevance [401, 402], calls for hearsay, no exception [801]		
36:9-36:23			
38:5-38:14 <i>overruled</i>	assumes facts not in evidence [611(a)] calls for speculation [602, 701, 702]		
38:19-38:24 <i>overruled</i>	assumes facts not in evidence [611(a)] calls for speculation [602, 701, 702]		
39:2-40:16			
40:18-41:17			
44:13-45:8			
45:11-46:10			
46:13-46:16			
52:8-52:14			
52:18-53:23 <i>overruled</i>	lack of foundation [104(a), 901, 902] calls for hearsay, no exception [801] confusing and misleading [611(a)] calls for speculation [602, 701, 702] relevance [401, 402]		
54:3-54:7 <i>overruled</i>	lack of foundation		

Deposition of John Quinn December 13, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
<i>overruled (see p.32)</i>	[104(a), 901, 902] calls for hearsay, no exception [801] confusing and misleading [611(a)] calls for speculation [602, 701, 702] relevance [401, 402]		
55:19-55:21			
55:24-56:13			
56:17-56:18			
84:19-85:4			
86:3-86:5 <i>overruled</i>	relevance [401, 402]		
86:8-86:10 <i>overruled</i>	relevance [401, 402]		
86:19-88:4 <i>overruled</i>	calls for hearsay, no exception [801] confusing and misleading [611(a)] relevance [401, 402]		
88:7-89:16 <i>overruled</i>	calls for speculation [602, 701, 702] confusing and misleading [611(a)] relevance [401, 402]		
89:19-89:23 <i>overruled</i>	calls for speculation [602, 701, 702] confusing and misleading [611(a)] relevance [401, 402]		
90:1-90:11 <i>overruled</i>	calls for speculation [602, 701, 702] confusing and misleading [611(a)] relevance [401, 402]		
90:14-90:20 <i>overruled</i>	calls for speculation [602, 701, 702] relevance [401, 402]		
90:23-91:9 <i>overruled</i>	calls for speculation [602, 701, 702] relevance [401, 402]		
91:12-91:21 <i>overruled</i>	relevance [401, 402]		

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Deposition of John Quinn December 13, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
<i>see A. 33</i> <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)]		
91:23-92:1 <i>overruled</i>	relevance [401, 402] assumes facts not in evidence, ambiguous, confusing [611(a)]		
92:12-93:18 <i>overruled</i>	calls for speculation [602, 701, 702] relevance [401, 402]		
93:21-94:2 <i>overruled</i>	calls for speculation [602, 701, 702] relevance [401, 402]		
94:4-94:20 <i>overruled</i>	calls for speculation [602, 701, 702] relevance [401, 402]		
94:22-94:24 <i>overruled</i>	calls for speculation [602, 701, 702] relevance [401, 402]		
95:3-95:18 <i>overruled</i>	calls for speculation [602, 701, 702] relevance [401, 402]		
95:20-96:1 <i>overruled</i>	calls for speculation [602, 701, 702] relevance [401, 402]		
96:4-96:19 <i>overruled</i>	calls for speculation [602, 701, 702] relevance [401, 402]		

I. Deposition of Andrew Rothschild (January 14, 2020)

Deposition of Andrew Rothschild January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
17:7-18:3			
18:11-19:10			
20:10-21:18	relevance [401, 402], assumes facts not in		

B. Deposition Testimony of John Quinn, June 21, 2019

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
7:3-5			
7:20-21			
8:24-9:6		9:7-9:21	<i>Permit</i>
11:13-20		11:21-11:22, 25:13-26:6, 29:4-29:9, 29:14-29:15, 29:17-29:24, 30:10-30:19, 30:21-31:1, 31:3-31:25, 32:2-32:5, 32:13-32:16, 32:19-32:20	<i>Permit</i> <i>Permit</i> <i>Permit</i> <i>Permit</i> <i>Permit</i>
32:21-33:3			
33:6-14		33:15-34:16, 34:18-35:13	<i>Permit</i>
35:14-20			
35:24-36:9		36:10-36:21, 36:23-37:3	<i>Permit</i>
39:8-11		38:19-38:23, 38:25-39:4	<i>Permit</i>
39:13-40:5			
40:15-17			
40:20-41:11			
41:14-18			
48:16-18		45:4-45:7, 45:10-46:8, 46:10-46:11, 46:14-46:24, 47:2-47:10, 47:12-47:16, 47:19-47:20, 48:6-48:7, 48:11-48:15	<i>Permit</i> <i>Permit</i> <i>Permit</i> <i>Permit</i> <i>Permit</i>
48:20-49:16 <i>Excluded</i>	Objection, foundation, hearsay, speculation		
49:18-50:19 <i>Excluded</i>	Objection, foundation,		

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
	hearsay, speculation		
54:22-55:9		55:10-57:14 <i>permit</i>	
57:22-58:13		58:14-58:20 <i>permit</i>	
59:10-15	Need 59:4-59:8 for completeness <i>sustained</i>		
59:17-21		59:22-60:11, 60:15-60:22 <i>permit</i>	
60:23-61:25		62:1-62:9, 62:16-62:24 <i>permit</i>	
62:25-63:3			
63:11-64:8			
64:11-13		64:14-64:20 <i>permit</i>	
64:21-67:11 <i>overruled</i>	Objection to 66:6-66:13 as hearsay, lack of foundation		
67:14-23 <i>overruled</i>	Objection, speculation		
71:25-72:7		71:1-71:24, 72:24-73:10 <i>permit</i>	
73:11-12			
73:19-74:1		74:2-74:13 <i>permit</i>	
74:14-18			
74:20			
74:23-25		75:1-75:3, 75:6-76:1, 76:4-76:8, 76:11-76:17, 76:20-76:22, 78:18-80:8 <i>permit permit permit</i>	
87:22-25			
88:3-24			
104:24-105:1			
105:3-6		105:7, 105:10 <i>permit</i>	
105:11-106:8		107:18-107:22 <i>permit</i>	
123:1-4 <i>overruled</i>	Objection, foundation		
123:7-17 <i>overruled</i>	Objection, foundation	124:12-124:19 <i>permit</i>	
161:14-19		161:20-162:15 <i>permit</i>	
162:3-10			
162:16-19		162:20-163:1, 163:4-163:9, 163:12-163:13 <i>permit permit</i>	
163:14-15			
163:18-22			
163:24-164:2			
164:4-18			
164:20-165:4			
165:6-9		165:10-165:13, 165:15-165:18, 165:20-166:2, 166:4-166:7, 166:10-166:16, 166:18-167:9 <i>permit permit permit permit</i>	
167:10-168:7 <i>overruled</i>	Strike as non-responsive		
197:14-19		197:20-198:24 <i>permit</i>	

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
198:25-199:1			
199:3-199:23	<i>summarized</i>	199:24-200:5	<i>permt</i>
200:13-16	Objection, speculation		
200:19-201:2	Objection, speculation		
208:8-18		203:22-204:22, 204:24-205:2, 205:4-206:8, 206:10-206:18	<i>permt</i> <i>permt</i> <i>permt</i>
208:22-209:1			
209:3-13			
239:5-8	Objection, speculation		
239:10-240:5	Objection, speculation	240:20-241:1, 241:3-241:14	<i>permt</i>
259:17-19		258:18-259:16	<i>permt</i>
259:21-260:2		260:3-261:17, 261:20-261:21	<i>permt</i> <i>permt</i> <i>permt</i>
261:22-25			
262:7-13	Objection to 262:9-262:13 hearsay		
262:17-263:16	Objection, hearsay		

C. Deposition of John Quinn, December 13, 2019

Deposition of John Quinn December 13, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
33:21-34:2		34:3-35:1, 35:21-36:7, 36:9	<i>permt</i>
36:10-23		38:5-38:14, 38:19-38:24, 39:2-39:3	<i>permt</i> <i>permt</i>
39:4-40:16			
40:18-42:8	Strike answer after "there" at 41:23-42:8 as non-responsive <i>Sustain</i>		
43:5-44:12		44:13-45:8, 45:11-46:10, 46:13-46:16	<i>permt</i> <i>permt</i>
46:17-47:22	Strike answer after "items" at 46:21-47:18 as non-responsive <i>Sustain</i>		
47:25-48:22	Strike answer after "discussion" at 48:8-14 as speculation <i>Sustain</i>		
48:24-49:22	Strike as non-responsive <i>Sustain</i>		
50:11-16			

John Quinn

50:19-52:1 <i>just born</i>	Strike as non-responsive		
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D. Deposition of Paul Bruno, August 1-2, 2019

Zurich objects to all of Fluor's designations of deposition testimony of its own Rule 30(b)(6) designee, Paul Bruno, on August 1, 2019. Bruno's 30(b)(6) deposition can be read into evidence in court under Fed. R. Civ. P. 32(a)(1)(C)(3) by Zurich, the adverse party, but that rule provides no basis for Fluor to do so. Much of Bruno's testimony also separately fails to meet the requirements of Fed. R. Civ. P. 32(a)(1)(B) that the deposition "be admissible under the Federal Rules of Evidence if the deponent were present and testifying" in court. Bruno testified as Fluor's corporate representative about matters outside his own personal knowledge, based on hearsay and information purportedly learned from others.

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
8:16-17:6 <i>sustained</i>	Objection, irrelevant	9:1-9:17 <i>permit</i>	
8:19-25 <i>sustained</i>	Objection, irrelevant	9:1-9:17	
13:19-14:2			
14:19-21			
17:7-8			
27:17-28:1			
61:23-62:12		58:14-58:19, 59:10-59:20, 60:16-60:20, 61:14-61:22 <i>permit</i>	<i>permit</i>
64:18-21 <i>overruled</i>	Objection, foundation, legal opinion		
64:24-25 <i>overruled</i>	Objection, foundation, legal opinion		
65:1-67:12 <i>P. 65:16-21 sustained</i> <i>67:10-12 sustained</i> <i>are ok. overruled</i>	Objection to 65:2-65:25 and 66:1-66:19 as lacking foundation; Further strike 65:16-65:21 and 67:10-67:12 as non-responsive		
68:16-69:2			
74:6-75:24 <i>sustained</i>	Objection, foundation, legal opinion		
76:2-19 <i>sustained</i>	Objection, foundation, legal opinion		
79:1-80:1 <i>overruled</i>	Objection, foundation, legal opinion	80:2-80:22 <i>permit</i>	
91:4-92:3 <i>overruled</i>	Objection, foundation, legal opinion		
92:5-24 <i>overruled</i>	Objection, foundation, legal opinion		
99:2-102:14 <i>overruled</i>	Objection, foundation, legal opinion, mischaracterizes the record		
104:23-105:9 <i>next page</i>	Objection, foundation;		

2. JoLynn Pollard Scharrer

Both sides of page

J. Deposition of JoLynn Scharrer, née Pollard (January 20, 2020)

Deposition of JoLynn Scharrer, née Pollard January 20, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
12:4-12:13			
16:13-16:15			
20:8-22:14			
22:22-23:4			
25:15-25:17			
30:1-34:6			
208:20-209:18			
<i>overruled</i> 209:21-210:20 <i>overruled</i>	leading [611(c)]		
211:5-212:17 <i>Sustained</i>	assumes facts not in evidence [611(a)], calls for speculation [602, 701, 702], calls for hearsay, no exception [801]		
215:1-215:5			
215:25-216:3 <i>overruled</i>	calls for hearsay, no exception [801], leading [611(c)]	215:17-24 <i>permit</i>	
216:10-217:3 <i>Sustained</i>	calls for hearsay, no exception [801], leading [611(c)]		
217:18-218:11 <i>Sustained</i>	calls for hearsay, no exception [801], leading [611(c)]		
218:20-219:14 <i>overruled</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence [611(a)], leading [611(c)]		
219:17-220:8 <i>overruled</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence [611(a)], leading [611(c)]		
220:11-220:23	Leading [611(c)]		
222:2-222:5 <i>overruled</i>	lack of foundation [104(a), 901, 902], calls for legal conclusion [701,		

	704], lay opinion [701], leading [611(c)]		
222:8-222:13 <i>overruled</i>	lack of foundation [104(a), 901, 902], calls for legal conclusion [701, 704], lay opinion [701], leading [611(c)]		
222:16-222:17 <i>overruled</i>	lack of foundation [104(a), 901, 902], calls for legal conclusion [701, 704], lay opinion [701], leading [611(c)]		
222:20-222:23 <i>overruled</i>	lack of foundation [104(a), 901, 902], calls for legal conclusion [701, 704], lay opinion [701], leading [611(c)]		
224:4-224:9			
224:11-225:10		225:11-14, 225:16-19	<i>Permit</i>
226:13-226:19			
228:7-228:13			
229:4-229:25			
230:24-231:7 <i>Sustained</i>	calls for <u>hearsay</u> , no exception [801], relevance [401, 402]		
232:7-234:9 <i>Sustained</i>	calls for <u>hearsay</u> , no exception [801], relevance [401, 402]		
235:8-236:20 <i>Sustained</i>	calls for <u>hearsay</u> , no exception [801], relevance [401, 402]		
236:24-237:13 <i>Sustained</i>	calls for <u>hearsay</u> , no exception [801], relevance [401, 402]		

237:15-238:1 <i>Sustained</i>	calls for hearsay no exception [801], relevance [401, 402], calls for speculation [602, 701, 702]		
238:5-238:11 <i>Sustained</i>	calls for hearsay no exception [801], relevance [401, 402]		
238:15-238:24			

L. Deposition of JoLynn Scharrer, January 20, 2020

Deposition of JoLynn Scharrer January 20, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
13:10-15		12:4-12:13, 16:13-16:15, 20:8-22:14	<i>permit</i>
22:22-23:11			<i>permit</i>
25:15-25		26:1-26:2	<i>permit</i>
26:10-14			
30:1-5		30:6-32:19	<i>permit</i>
32:20-33:1			
34:2-6			
38:1-12			
38:14-15			
38:21-25			
39:6-10			
43:14-44:24			
45:25-46:11			
47:16-19			

Deposition of JoLynn Scharrer January 20, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
48:13-18			
49:3-8			
56:6-13			
57:10-16			
57:25-58:10			
62:4-14			
63:4-12			
63:20			
63:23-64:9			
68:16-69:5	Objection, foundation		
69:24-70:10	<i>sustained</i>		
70:15-24			
71:11-16			
71:23-72:10			
72:21-73:10			
73:17-74:3			
76:10-18			
77:1-78:4			
79:15-21	Objection, hearsay		
82:22-83:12	<i>sustained</i> Objection, hearsay <i>sustained</i>	85:18-86:1, 208:20-209:18. 209:21-210:20, 211:5- 212:17, 230:24-231:6, 232:7-232:16, 232:24-234:9, 235:8-236:20, 236:24- 237:13, 237:15-238:1, 238:5-238:11, 238:15- 238:24	<i>Permit</i> ,, ,, ,, ,, ,, ,, ,,
86:7-9	Objection, hearsay		
87:10-17	<i>sustained</i>		
90:10-18			
91:5-9			
94:1-7	Objection, irrelevant, unfairly prejudicial, subject to Zurich MIL		
99:1-13	<i>sustained</i> Objection, irrelevant, unfairly prejudicial, subject to Zurich MIL		
102:1-5	Objection, irrelevant, unfairly prejudicial, subject to Zurich MIL; Further objection, asked and answered		
102:11-12	<i>sustained</i> Objection, irrelevant, unfairly prejudicial, subject		

Deposition of JoLynn Scharrer January 20, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
	to Zurich MI; Further objection, asked and answered		
102:14-16	Objection, irrelevant, unfairly prejudicial, subject to Zurich MIL; Further objection, asked and answered <i>sustained</i>		
104:15-21	Objection, irrelevant, unfairly prejudicial, subject to Zurich MIL <i>overruled</i>		
105:4-17	Objection, irrelevant, unfairly prejudicial, subject to Zurich MIL <i>overruled</i>		
108:10-14	Objection, irrelevant, unfairly prejudicial, subject to Zurich MIL; Further objection, asked and answered <i>sustained</i>		
108:16-17			
109:7-14		109:15-109:20 <i>permitted</i>	
115:11-18			
116:6-117:19	Objection, foundation, hearsay <i>overruled</i>		
117:21-22	Objection, foundation, hearsay <i>overruled</i>		
118:3			
118:6-120:13	Objection to 119:6-120:13 as hearsay and lacking foundation <i>overruled</i>		
120:19-121:14	Objection to 121:7-121:14 as hearsay and lacking foundation <i>overruled</i>		
122:13-125:2	<i>overruled</i>		
125:8-126:2 <i>Pl 125:8 to 125:21 overruled</i>	Objection to 125:21-126:2 as hearsay and lacking foundation <i>overruled</i>		
126:11-127:4 <i>Pl 126:11 to 127:4 overruled</i>			
127:9-128:23 <i>overruled</i>	Objection to 128:2-128:23 as hearsay and lacking foundation		
129:16-130:11 <i>overruled</i>	Objection to 130:10-11 as calling for hearsay and lacking foundation		
130:20-131:4			
131:7			
131:9-24			

Deposition of JoLynn Scharrer January 20, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
132:4-11 <i>overruled</i>	Objection, hearsay, foundation		
132:16-24			
133:2-13			
133:20-134:9 <i>overruled</i>	Objection, hearsay, foundation		
134:14-15			
134:24-137:1 <i>overruled</i>	Objection to 136:12-137:1 as hearsay and lacking foundation		
137:6-139:21 <i>overruled</i>	Objection to 137:25-138:14 and 139:1-139:21 as hearsay and lacking foundation		
140:1-141:4 <i>overruled</i>	Objection to 140:22-141:4 as hearsay, lacking foundation and legal opinions subject to Zurich MIL 11		
142:8-143:24 <i>overruled</i>	Objection to 143:5-143:24 as hearsay and lacking foundation		
144:5-22			
145:2-19			
146:19-147:10			
147:18-148:6 <i>Sustained</i>	Objection to 147:18-148:6 as hearsay and lacking foundation		
148:12-16 <i>Sustained</i>	Objection, foundation, hearsay		
149:12-150:21 <i>Sustained</i>	Objection to 149:25-150:21 as hearsay, lacking foundation		
151:3-152:13			
153:5-154:12			
154:19-155:12 <i>Sustained</i>	Objection, foundation, hearsay		
155:19-156:15			
156:20-157:15			
157:21-25 <i>overruled</i>	Objection, foundation, hearsay		
158:13-19 <i>Sustained</i>	Objection, foundation, hearsay		
158:25-159:17		218:20-219:14, 219:17-220:8, 220:11-220:23, 222:2-222:10, 222:12-222:13, 222:16-222:17, 222:20-222:23, 224:23-1/	

Deposition of JoLynn Scharrer January 20, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
		225:10	
160:4-7 <i>overruled</i>	Objection, foundation, hearsay		
160:22-161:4 <i>overruled</i>	Objection, foundation, hearsay		
161:10-161:23			
162:2-10			
162:15-163:13	Objection, foundation, hearsay		
163:18-164:24 <i>overruled</i>	Objection to 164:21-164:24 as calling for hearsay, lacking foundation		
165:2-24	Objection, foundation, hearsay		
166:3-168:9 <i>Sustained</i>	Objection, foundation, hearsay		
168:20-24			
169:4-170:3			
170:20-171:18 <i>Sustained</i>	Objection, foundation, hearsay		
172:8-18			
172:23-173:18 <i>Sustained</i>	Objection, foundation, hearsay		
173:21-174:23 <i>P173L21-P174L16 overruled 174L17-23</i>	Objection to 174:14-174:23 as hearsay, lacking foundation		
175:3-176:15			
176:18-177:12		215:1-215:5, 215:25-216:3, 216:10-217:3, 217:18-218:11	<i>Permit</i>
177:15-178:25 <i>177L15-178L6 overruled P178L7-25</i>	Objection to 178:2-178:25 as hearsay, lacking foundation		
179:6-24			
180:7-181:13			
181:20-182:14 <i>Sustained</i>	Objection, foundation, hearsay		
182:17-183:15 <i>Sustained</i>	Objection, foundation, hearsay		
183:19-23 <i>Sustained</i>	Objection, foundation, hearsay		
184:1-185:5 <i>overruled</i>	Objection to 184:21-185:5 as hearsay, lacking foundation		
185:12-186:4			
186:23-187:18			

Deposition of JoLynn Scharrer January 20, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
188:5-12			
188:15-17			
189:5-13 <i>overruled</i>	Objection, foundation, hearsay		
189:18-190:15			
190:16-18 <i>overruled</i>	Objection, foundation, calls for hearsay		
190:20-191:5 <i>overruled</i>	Objection to 190:20-190:23 as hearsay, lacking foundation		
191:10-192:1 <i>overruled</i>	Objection to 191:25-192:1 as hearsay, lacking foundation		
192:3-16 <i>overruled</i>	Objection to 192:3-192:8 as hearsay, lacking foundation		
192:21-193:16			
194:1-18 <i>overruled</i>	Objection to 194:5-194:12 as hearsay, lacking foundation		
194:23-195:25			
196:7-197:16 <i>P. 196:7-197:7 overruled</i>	Objection to 196:22-197:1 and 197:8-197:16 as <u>hearsay</u> , lacking foundation; Further objection that 197:17-197:19 is necessary for completeness		
197:20-198:1 <i>Sustained</i>	Objection, foundation, <u>hearsay</u>		
198:6-199:4			
199:6-7 <i>overruled</i>	Objection, foundation, hearsay		
199:10-16 <i>Sustained</i>	Objection, foundation, <u>hearsay</u>		
199:22-200:2			
200:5-17 <i>Sustained</i>	Objection to 200:15-200:17 as <u>hearsay</u> , lacking foundation		
200:21-201:7 <i>Sustained</i>	Objection, foundation, <u>hearsay</u>		
201:10-20 <i>Sustained</i>	Objection, foundation, <u>hearsay</u>		
201:25-202:14			
202:19-21			
203:2-22			
228:19-229:3			
229:4-10			

Deposition of JoLynn Scharrer January 20, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
229:12-25			

3. Paul Bruno

50:19-52:1 <i>Sustained</i>	Strike as non-responsive		
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D. Deposition of Paul Bruno, August 1-2, 2019

Zurich objects to all of Fluor's designations of deposition testimony of its own Rule 30(b)(6) designee, Paul Bruno, on August 1, 2019. Bruno's 30(b)(6) deposition can be read into evidence in court under Fed. R. Civ. P. 32(a)(1)(C)(3) by Zurich, the adverse party, but that rule provides no basis for Fluor to do so. Much of Bruno's testimony also separately fails to meet the requirements of Fed. R. Civ. P. 32(a)(1)(B) that the deposition "be admissible under the Federal Rules of Evidence if the deponent were present and testifying" in court. Bruno testified as Fluor's corporate representative about matters outside his own personal knowledge, based on hearsay and information purportedly learned from others.

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
8:16-17 <i>Sustained</i>	Objection, irrelevant	9:1-9:17 <i>permut</i>	
8:19-25 <i>Sustained</i>	Objection, irrelevant	9:1-9:17 <i>it</i>	
13:19-14:2			
14:19-21			
17:7-8			
27:17-28:1			
61:23-62:12		58:14-58:19, 59:10-59:20, 60:16-60:20, 61:14-61:22 <i>permut</i>	<i>permut</i>
64:18-21 <i>overruled</i>	Objection, foundation, legal opinion		
64:24-25 <i>overruled</i>	Objection, foundation, legal opinion		
65:1-67:12 <i>P. 65:16-21 Sustained</i> <i>67:10-12 Sustained</i> <i>are also overruled</i>	Objection to 65:2-65:25 and 66:1-66:19 as lacking foundation; Further strike 65:16-65:21 and 67:10-67:12 as non-responsive		
68:16-69:2			
74:6-75:24 <i>Sustained</i>	Objection, foundation, legal opinion		
76:2-19 <i>Sustained</i>	Objection, foundation, legal opinion		
79:1-80:1 <i>overruled</i>	Objection, foundation, legal opinion	80:2-80:22 <i>permut</i>	
91:4-92:3 <i>overruled</i>	Objection, foundation, legal opinion		
92:5-24 <i>overruled</i>	Objection, foundation, legal opinion		
99:2-102:14 <i>overruled</i>	Objection, foundation, legal opinion, mischaracterizes the record		
104:23-105:5 <i>next page</i>	Objection, foundation;		

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
<i>Sustained</i>	Further strike as non-responsive		
105:7-16 <i>105:6, 7-9 Sustained</i> <i>105:11-106:17 Sustained</i>	Objection, foundation; Further strike as non-responsive		
105:18-106:7 <i>ruled above</i>	Objection, foundation; Further strike as non-responsive		
118:18-119:14 <i>sustained</i>	Objection, foundation; Further strike as non-responsive	120:3-121:7 <i>permit</i>	
121:8-25 <i>Sustained</i>	Objection, foundation; Further strike as non-responsive	122:3-122:8 <i>permit</i>	
122:21-123:5 <i>overruled</i>	Objection, foundation; Further strike as non-responsive		
130:17-131:15 <i>overruled</i>	Objection, foundation; Further strike as non-responsive	130:8-130:16, 131:3-131:15 <i>permit</i>	
131:18-132:23 <i>overruled</i>		135:21-135:25, 137:12-137:23 <i>permit</i>	
148:2-5		146:1-146:2, 146:4-146:12 <i>permit</i>	
148:23-149:1 <i>Sustained</i>	Objection, foundation, speculation		
149:6-16 <i>overruled</i>	Objection, foundation, speculation		
149:25-150:11 <i>Sustained</i>	Objection, foundation, speculation		
153:14-22 <i>Sustained</i>	Objection, foundation; strike 153:20-153:22 as non-responsive		
173:3-25 <i>Sustained</i>	Objection, foundation, strike as non-responsive		
179:21-180:14 <i>179:24-180:13 Sustained - Hearsay</i> <i>180:14-180:17-1 Overruled</i>	Objection to 179:21-180:3 as hearsay; Strike everything but question at 180:9-180:10 and answer "No" at 180:13 as non-responsive		
180:17-181:2 <i>Sustained</i>	Strike everything after "Well, not necessarily" as non-responsive		
199:12-200:22 <i>Sustained</i>	Objection, foundation, speculation about Fluor's state of mind, strike as non-responsive		
210:4-212:8 <i>P210:4-10 Overruled</i> <i>P210:17-212:8 Sustained</i>	Objection, foundation, speculation about Fluor's state of mind, legal opinion,		

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
	speculation about Zurich's intentions, strike as non-responsive		
220:2-222:11 <i>Sustained</i>	Objection, foundation, speculation about Fluor's state of mind, legal opinion, speculation about Zurich's intentions, strike as non-responsive		
271:25-272:8 <i>overruled</i>	Object to 271:25-272:3 as irrelevant, non-testimony		
275:25-276:24			
277-19-278:7			
279:6-14			
280:3-16		282:4-282:15, 283:14- 283:17 <i>permit</i>	
284:3-21			
285:1-16		285:17-286:4, 286:6-287:13	<i>permit</i>
287:14-16			
287:24-288:2			
289:25-290:4 <i>Sustained</i>	Strike as non-responsive		
48-190:8-23 512-73 <i>Sustained</i> <i>overruled</i>	Strike as non-responsive	291:12-291:25, 293:1- 293:14 <i>permit</i>	
294:13-18 <i>Sustained</i>	Strike as non-responsive	294:19-295:8 300:12-301:9 <i>permit</i>	
296:16-297:1			
307:22-25 <i>Non-responsive</i>	Objection, foundation; Strike as non-responsive		
308:6-15 <i>Sustained</i>	Objection, foundation; Strike as non-responsive		
308:17-309:13 <i>P308 311-23 Sustained</i>	Object, foundation; strike as non-responsive		
311:10-13 <i>overruled</i>	Objection, foundation		
311:14-312:1 <i>overruled</i>	Objection, foundation		
313:25-314:15 <i>P309 313 Sustained</i>			
314:18-22			
314:24-315:6			
315:8-316:12 <i>P315 317-18-21 Sustained</i>	Strike 315:22-24 as non-responsive		
317:18-21		316:21-317:17, 317:22- 318:3 <i>permit</i>	
319:17-320:10 <i>P319 321-324 Sustained</i>	Objection, foundation, <i>P320 325-10 overruled</i>		
321:5-16		320:11-320:13, 320:15- 321:4 <i>permit</i>	
322:13-18 <i>overruled</i>	Objection, foundation	324:24-324:25, 325:3- 325:14, 325:17-326:12 <i>permit</i>	

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Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
344:1-15			
344:20-345:11		345:12-345:18, 345:24-346:8, 347:9-350:22, 351:12-352:21, 353:13-353:16, 356:14-357:21, 358:5-358:13, 358:17-358:25, 359:14-360:20	
387:24-388:10 <i>overruled</i>	Objection, legal opinion, subject to Zurich Rule 16 motion		

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FLUOR CORPORATION,

Plaintiff,

vs.

ZURICH AMERICAN INSURANCE
COMPANY,

Defendant.

AND RELATED COUNTERCLAIMS AND
CROSS-CLAIMS

Case No.: 4-16-CV-00429-ERW

Hon. E. Richard Webber

*Both Sides
of
Pages*

**FLUOR CORPORATION'S OBJECTIONS TO ZURICH AMERICAN INSURANCE
COMPANY'S DEPOSITION DESIGNATIONS AND FLUOR CORPORATION'S
COUNTER DESIGNATIONS**

In accordance with this Court's Fourth Amended Case Management Order, dated February 22, 2019 (Dkt. 201), as amended in part by the Court's Orders, dated December 10, 2020 (Dkt. 495) and April 26, 2021 (Dkt. 515), Fluor Corporation ("Fluor") submits the following objections and counter-designations in response to the deposition testimony designated by Zurich American Insurance Company ("Zurich"):

A. Deposition of Paul Bruno (August 1-2, 2019)

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
58:14-58:19		58:20-59:2 <i>Agreed</i>	<i>agreed</i>
59:10-59:20			
60:16-60:20			
61:14-61:22		61:10-13 <i>agreed</i>	<i>agreed</i>

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
66:20-67:5			
68:16-69:2			
71:1-71:7			
83:3-83:21 <i>overruled</i>	ambiguous and confusing [611(a)]; lack of foundation [104(a), 901, 902]		
84:8-85:25 <i>overruled</i> 8:5-8:13 sustained 84:24-85	lack of foundation [104(a), 901, 902], calls for speculation [602, 701, 702], calls for hearsay, no exception [801]		
89:5-89:13 <i>overruled</i>	relevance [401, 402]		
94:13-94:18, <i>sustained</i>	calls for legal conclusion [701, 704], lay opinion [701], best evidence not offered [1001, 1002]	94:19-95:9, 95:12-15 <i>approved</i>	
130:8-130:16			
131:3-131:15			
135:21-135:25		135:10-20 <i>approved</i>	
137:12-137:23 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)]	137:25-139:3 <i>approved</i>	
146:1-146:2			
146:4-146:12 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)]	146:17-22 <i>approved</i>	
148:2-148:17 <i>sustained</i>	lay opinion [701] calls for legal conclusion [701, 704] calls for hearsay, no exception [801]		
152:19-152:24 <i>overruled</i>	lack of foundation [104(a), 901, 902]		

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
	assumes facts not in evidence, ambiguous, confusing [611(a)]		
153:1-153:3 <i>overruled</i>	lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)]		
187:10-188:1			
191:15-196:4 <i>P191:15-193:22 - overruled P193:23-P196:4 - Sustained</i>	relevance [401, 402], lack of foundation [104(a), 901, 902], calls for speculation [602, 701, 702], best evidence not offered [1001, 1002]		
196:6-198:15 <i>With [unclear] [unclear]</i>	relevance [401, 402], lack of foundation [104(a), 901, 902], calls for speculation [602, 701, 702], best evidence not offered [1001, 1002], lay opinion [701]	198:17-24 <i>N. Hedges</i>	
216:23-218:3 <i>with [unclear]</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)]		
218:8-218:24 <i>with [unclear]</i>	lay opinion [701], calls for legal conclusion [701, 704]		

Deposition of Paul Bruno			
August 1-2, 2019			
USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
255:11-257:19	relevance [401, 402], lack of foundation [104(a), 901, 902], calls for speculation [602, 701, 702], best evidence not offered [1001, 1002]		
282:4-282:15		282:16-25	Permit
283:14-283:17			
285:1-286:4			
286:6-287:13			
300:12-301:9 P 300 L 12 - 6, 22 - Sustained P 301 L 23 P 301 L 29 - overruled	calls for speculation [602, 701, 702]		
316:21-318:3 overruled	relevance [401, 402]		
320:11-320:13 overruled	lack of foundation [104(a), 901, 902] relevance [401, 402]		
320:15-321:16 overruled	lack of foundation [104(a), 901, 902] relevance [401, 402] character evidence, no exception [404(a)]		
324:24-324:25	calls for speculation [602, 701, 702], lack of foundation [104(a), 901, 902], relevance [401, 402]		
325:3-325:14	calls for speculation [602, 701, 702], relevance [401, 402], calls for legal conclusion [1101, 704], lay opinion [701], lack of		

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
	foundation [104(a), 901, 902]		
325:17-326:12 <i>overruled</i>	calls for speculation [602, 701, 702], relevance [401, 402], calls for legal conclusion [701, 704], lay opinion [701], lack of foundation [104(a), 901, 902] <i>with motion</i>		
327:10-328:16 <i>overruled</i>	calls for speculation [602, 701, 702], relevance [401, 402], calls for legal conclusion [701, 704], lay opinion [701], lack of foundation [104(a), 901, 902] <i>with motion</i>		
328:22-329:9 <i>overruled</i>	calls for speculation [602, 701, 702], relevance [401, 402], calls for legal conclusion [701, 704], lay opinion [701], lack of foundation [104(a), 901, 902] <i>with motion</i>		
330:22-330:24			
331:8-331:10			
343:7-343:18 <i>overruled</i>	calls for speculation [602, 701, 702], relevance [401, 402]	348:18-349:21 <i>approved</i>	
352:3-352:21		351:12-352:1 <i>approved</i>	
353:13-353:16		353:3-12 <i>approved</i>	
356:14-357:21	best evidence not offered [1001, 1002], relevance [401, 402], calls for		

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
<i>overruled</i>	speculation [602, 701, 702]	<i>overruled</i>	
358:5-358:13 <i>overruled</i>	best evidence not offered [1001, 1002], relevance [401, 402], calls for speculation [602, 701, 702]		
358:17-358:25			
359:14-360:20 <i>overruled</i>	best evidence not offered [1001, 1002], relevance [401, 402], calls for speculation [602, 701, 702], calls for hearsay, no exception [801]		
382:4-382:25 <i>overruled</i>	lack of foundation [104(a), 901, 902], relevance [401, 402], calls for speculation [602, 701, 702]		
383:3-383:12 <i>overruled through line 8: P. 383 sustained as to P. 383 L. 9-12</i>	lack of foundation [104(a), 901, 902], relevance [401, 402], calls for speculation [602, 701, 702]		

B. Deposition of Vincent Biancamano (January 15, 2020)

Deposition of Vincent Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
4:1-4:25			
5:25-7:15			

4. Marc Halpern

Deposition of Vincent Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
	relevance [401, 402]		

C. Deposition of Marc Halpern (January 7, 2020)

Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
5:1-5:25			
6:5-6:15 <i>agreed</i>	Improper designation, move to strike		
9:19-9:25			
10:2-10:24			
14:20-14:25			
15:2-15:25 <i>sustained</i>	strike 15:14-21 as non-responsive		
16:2-16:25			
17:2-17:5			
18:4-18:22			
26:13-26:20			
33:20-33:25			
34:2-34:6			
37:23-37:25			
38:2-38:16			
38:24-38:25			
39:2-39:24			
42:17-42:20			
43:19-43:25 <i>sustained</i>	43:19-46:23 calls for hearsay, no exception [801] Lacks foundation		
44:2-44:25			
45:2-45:25			
46:2-46:23			
47:20-47:25			
48:7-48:22			

49:11-49:25			
50:4-50:16			
51:15-51:25			
52:2-52:23 <i>P. 52 L. 2- line - 18 sustained P. 54, L. 19-23 overruled</i>	Move to strike 52:11-18 as non- responsive		
55:21-55:25			
56:2-56:25			
57:2-57:25			
58:2-58:25			
59:2-59:25			
60:4-60:11			
60:24-60:25			
61:2-61:25			
62:2-62:5			
62:24-62:25			
63:2-63:25 <i>P. 63 L. 2-22 overruled. L. 23-25 sustained.</i>	calls for hearsay, no exception [801]		
64:2-64:25			
65:2-65:4			
65:11-65:16			
65:17-65:25			
66:2-66:25			
67:2-67:25		69:10-13 <i>Perm. T</i> 69:16-17 <i>Permit</i>	
68:2-68:9			
70:11-70:25 <i>Overruled</i>	calls for hearsay, no exception [801]		
71:2-71:10 <i>P. 71 L. 3-9 sustained L. 10-25 overruled</i>	calls for hearsay, no exception [801]		
71:13-71:25			
72:2-72:25 <i>L. 3-9 sustained. L. 10-25 overruled</i>	calls for hearsay, no exception [801]		
73:2-73:18			
73:20-73:25			
74:2-74:3			
96:5-7			
96:10-96:13			
185:20-185:23			
186:5-186:18			
188:22-188:24 <i>Sustained</i>	Improper designation		
192:11-192:22			
192:24-192:25			
193:2-193:7			

193:23–193:25			
194:2–194:10			
194:13–194:16			
194:18			
195:6–195:25			
196:2–196:3			
196:5–196:25			
197:2–197:25 <i>overruled</i>	calls for speculation [602, 701, 702] assumes facts not in evidence, ambiguous, confusing [611(a)]		
198:2–198:25 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702]		
199:2–199:25 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)]		
200:2–200:8			
200:10–200:20 <i>overruled</i>	lack of foundation [104(a), 901, 902]		
200:22–200:25			
201:2–201:4 <i>overruled</i>	lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)]		
201:7–201:25 <i>overruled</i>	lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)]		

202:2-202:10 <i>sustained</i>	lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702]		
202:21-202:25			
203:2-203:12			
212:18-212:25			
213:2-213:19 <i>overruled</i>	calls for speculation [602, 701, 702] calls for hearsay, no exception [801] lack of foundation [104(a), 901, 902]		
213:21-213:25			
214:2-214:6			
214:25			
215:2-215:3			
215:5-215:11			
215:13-215:25			
216:3-216:10 <i>overruled</i>	lack of foundation [104(a), 901, 902] calls for speculation [602, 701, 702]		
216:13-216:25 <i>sustained</i>	lack of foundation [104(a), 901, 902] calls for speculation [602, 701, 702]		
217:2-217:8	214-25p 222- overruled.		
222:5-222:25 h. 5-18, <i>overruled h. 13-13- sustained.</i>	calls for hearsay, no exception [801]		
223:2-223:3 <i>overruled</i>	lack of foundation [104(a), 901, 902]		
223:7-223:17 <i>overruled</i>	lack of foundation [104(a), 901, 902]		

D. Deposition of Marc Halpern (January 8, 2020)

Deposition of Marc Halpern January 8, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
8:1-8:19 <i>overruled</i>	calls for speculation [602, 701, 702]		
9:4-12:11 <i>sustained</i>	calls for speculation [602, 701, 702] assumes facts not in evidence, ambiguous, confusing [611(a)] assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702] calls for hearsay, no exception [801]		
12:22-13:4			
13:8-14:15 <i>13:8-12 sustained</i> <i>13:13-14:4 overruled</i> <i>14:16-15 overruled</i>	calls for speculation [602, 701, 702] calls for hearsay, no exception [801]		
16:3-17:11			
18:1-18:13 <i>18:1-17:11 overruled</i> <i>sustained</i>	assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702] calls for hearsay, no exception [801] relevance [401, 402]		

18:18-19:11			
20:14-20:21 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702] calls for hearsay, no exception [801]		
21:1-21:18		21:19-22:5 <i>permitted</i>	
22:8-22:17 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702]		
22:20-24:1		24:2-27:1 <i>permitted</i>	
27:20-28:13 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702]		
30:19-31:16			
31:20-39:5 <i>overruled</i>	34:20-35:22, 36:13-37:10, 38:6-38:25 assumes facts not in evidence, ambiguous, confusing [611(a)] calls for hearsay, no exception [801] calls for speculation [602, 701, 702]		
39:7-39:8			
40:18-41:2 <i>overruled</i>	lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702]		
41:6-41:25 <i>overruled</i>	assumes facts not in evidence, ambiguous,		

	confusing [611(a)] relevance [401, 402]		
42:10-46:16 <i>overruled</i>	46:1-16 assumes facts not in evidence, ambiguous, confusing [611(a)] relevance [401, 402]		
47:16-48:2 <i>overruled</i>	relevance [401, 402]lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702] relevance [401, 402]		
48:6-49:10		50:18-51:14 <i>Permit</i>	
53:20-53:22			
54:1-54:3			
58:17-58:22 <i>Sustained</i>	Improper designation assumes facts not in evidence, ambiguous, confusing [611(a)]		
59:3-59:6 <i>overruled</i>	Improper designation assumes facts not in evidence, ambiguous, confusing [611(a)]		
59:10-59:13			
59:17-60:6 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)] calls for legal conclusion [701, 704] lay opinion [701]		

60:10-60:16 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)] calls for legal conclusion [701, 704] lay opinion [701]		
62:1-62:7 <i>overruled</i>	calls for hearsay, no exception [801] assumes facts not in evidence, ambiguous, confusing [611(a)] lack of foundation [104(a), 901, 902]		
62:14-62:24 <i>overruled</i>	calls for hearsay, no exception [801] assumes facts not in evidence, ambiguous, confusing [611(a)] lack of foundation [104(a), 901, 902]		
63:3-64:21			
64:24-65:3			
65:16-65:25 <i>overruled</i>	calls for hearsay, no exception [801] calls for speculation [602, 701, 702]		
66:5-66:9			
68:24-69:15 <i>overruled</i>	calls for hearsay, no exception [801] calls for speculation [602, 701, 702]		
69:18-69:22			
70:8-71:20 <i>overruled</i>	calls for hearsay, no exception [801]		
72:3-72:19			
74:2-82:14 <i>overruled</i> 74:2-79:15 Sustained 79:16-82 L 14.	74:2-75:16, 77:21-82:14 calls for hearsay, no exception [801]		

	76:23-77:20 calls for speculation [602, 701, 702]		
86:22-89:16 <i>overruled</i>	calls for hearsay, no exception [801]		
89:18-90:2 <i>overruled</i>	89:11-16, 89:18- 90:2 lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702] calls for hearsay, no exception [801]		
91:4-92:23			
93:11-94:7			
94:8-94:10 <i>overruled</i>	calls for speculation [602, 701, 702] assumes facts not in evidence, ambiguous, confusing [611(a)]		
94:13-94:25 <i>overruled</i>	calls for speculation [602, 701, 702] assumes facts not in evidence, ambiguous, confusing [611(a)]		
95:1-95:4			
95:8-97:4 <i>overruled</i>	lack of foundation [104(a), 901, 902]		
98:11-98:15			
98:19-101:5			
101:9-101:17			
101:20-101:22			
103:17-103:22 <i>overruled</i>	lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)]		
103:24-104:2			

104:11-104:23			
106:14-107:20 <i>overruled</i>	lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)] calls for hearsay, no exception [801]	112:25-113:2 <i>permit</i> 113:6-15 <i>permit</i> 114:21-25 <i>permit</i> 115:4-18 <i>permit</i>	
108:1-109:16 <i>overruled</i>	lack of foundation [104(a), 901, 902] calls for speculation [602, 701, 702]		
109:19-110:1			
111:5-111:9 <i>overruled</i>	lack of foundation [104(a), 901, 902]		
111:11-111:20			
116:16-117:13 <i>sustained</i>	calls for hearsay, no exception [801] lack of foundation		
118:9-120:17 <i>Sustained</i>	calls for hearsay, no exception [801]		
122:16-124:10 <i>overruled</i>	calls for hearsay, no exception [801] calls for speculation [602, 701, 702] calls for legal conclusion [701, 704], lay opinion [701]		
124:15-125:16 <i>overruled</i>	calls for speculation [602, 701, 702] calls for legal conclusion [701, 704], lay opinion [701]		
125:19-128:12 <i>overruled</i>	127:18-128:12 lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation		

	[602, 701, 702] calls for hearsay, no exception [801]		
128:18-129:5 <i>overruled</i>	lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702] calls for hearsay, no exception [801] calls for legal conclusion [701, 704], lay opinion [701]		
129:7-129:17 <i>sustained</i>	lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702] calls for hearsay, no exception [801] calls for legal conclusion [701, 704], lay opinion [701]		
129:20-130:17 <i>sustained</i>	lack of foundation [104(a), 901, 902] calls for speculation [602, 701, 702] calls for hearsay, no exception [801]	134:9-13 <i>permit</i> 134:16-137:4 <i>permit</i>	
130:20-130:24			
138:20-138:23 <i>overruled</i>	lack of foundation [104(a), 901, 902]	137:16-138:19 <i>permit</i>	
139:1-139:12 <i>overruled</i>		145:11-13 <i>permit</i> 145:15-22 <i>permit</i> 146:9-149:4 <i>permit</i> 150:2-151:13 <i>permit</i>	

153:12-153:18 <i>sustained</i>	lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702] calls for hearsay, no exception [801]		
154:2-154:8			
154:13-154:17			
155:17-156:13 <i>overruled</i>	calls for hearsay, no exception [801]	158:25-160:23 <i>permt</i> 164:1-5 <i>permt</i> 164:10-165:6 <i>permt</i> 166:4-7 <i>permt</i> 166:15-167:9 <i>permt</i>	
177:8-177:11			
177:16-178:2			
179:6-179:25 <i>overruled</i>	calls for hearsay, no exception [801]		
180:5-180:6			
185:9-186:4 <i>overruled</i>	lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)]		
186:12-186:14			
191:22-191:24 <i>overruled</i>	lack of foundation [104(a), 901, 902] calls for speculation [602, 701, 702] calls for legal conclusion [701, 704], lay opinion [701]	195:15-196:9 <i>permt</i> 196:13-18 <i>permt</i>	
192:1-192:4 <i>overruled</i>	lack of foundation [104(a), 901, 902] calls for speculation [602, 701, 702]		
192:8-192:11			
218:7-218:18 <i>overruled</i>	lack of foundation [104(a), 901, 902]		
218:21-219:3			

E. Deposition of John Mahoney (January 14, 2020)

Deposition of John Mahoney January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
6:5-6:16			
8:16-8:25			
9:2-9:25			
10:2-10:25			
11:2-11:4			
11:8-11:25			
12:2-12:25			
13:2-13:25			
14:2-14:8			
14:10-14:25			
15:2-15:25			
16:2-16:24			
17:23-17:25			
18:2			
19:8-19:12			
27:6-27:25			
55:12-55:25			
58:14-58:25		54:8-55:2 <i>permit</i>	
59:2-59:9			
100:15-100:19			
136:6-136:25			
137:2-137:11 <i>Sustained</i>	calls for speculation [602, 701, 702] assumes facts not in evidence, ambiguous, confusing [611(a)]	137:15-17 <i>permit</i> 137:19-22 <i>permit</i>	
137:12-137:13		137:24-138:12 <i>permit</i>	

Deposition of Marc Halpern January 8, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
	record, subject to Zurich MIL 3		
216:9-12 <i>Sustained</i>	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3		
216:15-21 <i>Sustained</i>	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3		
216:24-217:12 <i>Sustained</i>	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3		

H. Deposition of Randolph Sinnott, January 10, 2020

Deposition of Randolph Sinnott January 10, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
5:9-13		5:14-5:15	
5:16-17			
9:17-10:8			
15:18-16:1		15:15-17, 16:7-16:9	
18:23-19:1		18:9-18:22	
19:3-10			
26:20-25	Need to add 26:10-26:19 for completeness		
27:1-5			
28:16-29:8	Objection, subject to Zurich MIL 11		
30:17-20			
30:24-32:11	Objection, subject to Zurich MIL 11		
31:1-25			
34:4-8			
35:8-12			
37:15-38:2	Objection, foundation, speculation	38:19-39:1, 42:13-43:1, 44:3-44:10	

testimony. Halpern was deposed only as a Rule 30(b)(6) witness for non-party Doe Run; he was not deposed in his individual capacity. His testimony cannot be read into evidence in court under Fed. R. Civ. P. 32(a)(1)(C)(3), because he was not the designee of a party, nor is Fluor adverse to Doe Run. Halpern's testimony also separately fails to meet the requirements of Fed. R. Civ. P. 32(a)(1)(B) in that he repeatedly denied he was not testifying as an individual based on his personal knowledge but rather was testifying regarding Doe Run's asserted collective corporate knowledge.

Halpern's testimony must also be excluded because both Fluor and Doe Run have steadfastly failed to reveal whether Doe Run has a financial stake in this case under their settlement agreement. Without that critical information, the jury has no basis on which to evaluate Mr. Halpern's bias. By withholding this information, Fluor makes Halpern's testimony inadmissible.

Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections <i>after 1st Jake Ryan</i>	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
7:20-8:2 <i>Sustained as to all</i>	Objection to attorney testimony at 7:22-8:2		
9:19-10:2		10:3-10:24 <i>Permit</i>	
16:2-11			
18:4-25 <i>overruled</i>	Object to 18:23-18:25 for lack of foundation, speculation		
19:7-20:22 <i>overruled</i>	Objection, foundation		
20:25-23:4 <i>overruled</i>	Objection, foundation		
28:14-16 <i>overruled</i>	Objection, foundation		
28:19-29:12 <i>Sustained</i>	Objection, foundation, speculation about Doe Run's state of mind		
29:15-19			
31:9-31:21			
32:21-25			
33:4-34:6 <i>P33 L 4-24 - Sustained</i> <i>P33 L 25-P34 L 6 overruled</i>	Objection to 33:8-33:19 for lack of foundation, legal conclusion, speculation about Doe Run's state of mind		
34:25-35:24 <i>overruled</i>	Object to 34:25-35:7 as legal conclusion, mischaracterizes the record and misstates the law		
37:25-39:6 <i>Sustained</i>	Object to 38:17-38:23 for lack of foundation, speculation about Doe Run's state of mind	39:7-39:24 - <i>Permit</i>	
41:13-19		40:18-41:12 <i>Permit</i>	
47:14-18		42:17-20, 43:19-46:23 <i>permit</i>	
47:22-48:6		48:7-48:22 <i>permit</i>	

Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
48:23-49:10		49:11-49:25, 50:4-50:16, 51:15-52:23	Permit
53:11-24		70:11-71:10, 71:13-74:3	ii
57:22-58:21		55:21-57:21, 58:22-59:13	ii
59:14-25			
60:7-11			
60:24-61:2			
61:8-62:5 <i>Sustained</i>	Need to include 61:3-61:7 for completeness		
64:10-65:7		62:24-64:9	permit
65:11-23			
67:18-68:9		65:24-67:17	permit
74:25-75:9			
75:12-17			
75:23-25			
84:18-87:2			
87:23-88:6			
89:11-91:22			
93:7-17			
93:22-94:7		94:8-95:6	permit
95:7-9			
95:12-20		96:5-96:7, 96:10-96:13	permit
96:14-19			
96:22-24 <i>Overruled</i>	Objection, vague, foundation, calls for speculation		
97:24-100:24			
101:4-102:6 <i>P102L 10-12 Sustained P102L 13-14 overruled P101L 6-10 Sustained P102L 2 after "it" if had sustained</i>	Objection to question at 102:10-12 as calling for speculation and testimony at 102:13-14 for lack of foundation regarding "Zurich senior management"	103:19-105:13	Permit
102:10-21			
103:7-11 <i>overruled</i>	Objection, foundation, calls for speculation		
105:20-24 <i>overruled</i>	Objection, foundation		
106:8-10 <i>overruled</i>	Objection, calls for speculation, foundation		
106:13-25 <i>overruled</i>	Objection, speculation, foundation		
107:4-17 <i>overruled</i>	Objection, speculation, foundation		
107:19-108:7			

Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
108:20-109:5			
109:8-111:14			
111:20-112:6			
114:6-18		114:19-117:17 <i>permitted</i>	
117:19-118:11			
119:22-120:7			
122:18-123:6			
126:12-127:2			
127:23-128:9			
128:15-17			
128:19-20			
128:25-129:6 <i>Sustained</i>	Objection to question at 129:4-6 as leading, mischaracterizes witness's testimony; Objection to testimony at 129:14-129:20 for lack of foundation		
129:9-130:5			
130:8-10			
130:12-17			
130:20-132:11			
132:16-133:22 <i>overruled</i>	Objection to 133:17-133:22 as speculation, foundation, legal conclusion	133:23-133:25, 134:2, 134:5-134:13 <i>permitted</i>	
136:12-13 <i>overruled</i>	Objection, calls for legal conclusion		
136:16-20 <i>overruled</i>	Objection, legal conclusion		
136:23-137:8 <i>overruled</i>	Objection, legal conclusion		
137:19-20	Objection, foundation		
137:24-138:16 <i>overruled</i>	Objection, foundation		
139:8-25 <i>P13968-21 overruled</i> <i>P13968-22-25 Sustained</i>	Objection to question at 139:22-25 as calling for speculation, calling for legal conclusion, misstating the record, and mischaracterizing the law		
140:6-12 <i>Sustained</i>	Objection, speculation, legal conclusion, misstates the record, and mischaracterizes the law		
140:20-141:3 <i>Sustained</i>	Objection, speculation, legal conclusion, misstates the record, and mischaracterizes the law		
142:22-143:10	Objection, foundation,		

Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
<i>overruled</i>	hearsay; further objection to question at 143:8-143:10 as argumentative, mischaracterizing the record and assuming facts not in evidence		
143:13-25 <i>overruled</i>	Objection, speculation, legal conclusion, misstates the record and mischaracterizes the law		
145:24-147:9			
148:6-149:7 <i>overruled</i>	Objection, speculation, legal conclusion, misstates the record and mischaracterizes the law		
149:14-150:2 <i>overruled</i>	Objection, foundation, speculation, legal conclusion, misstates the record and mischaracterizes the law		
150:14-16, <i>sustained</i>	Objection, foundation, hearsay, speculation		
150:19-20			
151:25-152:10			
153:8 <i>overruled</i>	Objection, foundation, speculation about Doe Run's state of mind, irrelevant, unfairly prejudicial		
153:11-154:7 <i>overruled</i>	Objection, foundation, speculation about Doe Run's state of mind, irrelevant, unfairly prejudicial		
154:10-19, <i>sustained</i>	Objection, foundation, speculation about Doe Run's state of mind, irrelevant, unfairly prejudicial		
155:13-14 <i>overruled</i>	Objection, foundation, speculation about Doe Run's state of mind, irrelevant, unfairly prejudicial		
155:17-156:9 <i>sustained</i>	Objection, foundation, speculation about Doe Run's state of mind, irrelevant, unfairly prejudicial		
156:15-19			
156:24-158:15 <i>overruled</i>	Objection to 157:9-20 and 158:4-158:15 as speculation about Zurich's motives;		

20 - sustained.
P157L 21 P158
L 9 overruled
P158L 10-15 sustained

Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
<i>See prior page</i>	Additional objection to 158:7-158:15 for lack of foundation and speculation about Doe Run's state of mind		
158:22-160:13 <i>P. 158 L 22-25 overruled L 26-28 sustained</i>	Objection to 158:23-159:2 as speculation about Zurich's motives		
163:19-24	Objection, foundation <i>overruled</i>		
164:14-165:2			
165:6-18 <i>P. 165 L 6-13 overruled L 14-18 sustained</i>	Objection to 165:14-165:16 as argumentative, counsel testimony		
165:22-166:3 <i>overruled</i>	Objection, foundation, speculation about Doe Run's state of mind		
166:18-20 <i>Sustained</i>	Objection, foundation, calls for speculation about Doe Run's state of mind		
166:23-168:6 <i>Sustained</i>	Objection foundation, speculation about Doe Run's state of mind, irrelevant, unfairly prejudicial		
168:11-169:2			
169:9-170:16			
172:9-19			
172:24-173:11			
173:13-174:14 <i>overruled</i>	Objection to 173:13-173:24 for lack of foundation, speculation about Doe Run's state of mind		
174:19-176:9 <i>P. 174 L 19 - P. 176 L 3 overruled L 4-9 sustained</i>	Objection to 175:19-176:9 for lack of foundation, speculation about Doe Run's state of mind		
176:12-177:5 <i>Sustained</i>	Objection to 176:12-177:5 for lack of foundation, speculation about Doe Run's state of mind		
177:8-178:7 <i>P. 177 L 6-14 overruled L 20-178 L 3 sustained</i>	Objection, lack of foundation, speculation about Doe Run's state of mind, unfairly prejudicial, inflammatory		
178:10-179:21 <i>P. 178 L 10 - P. 179 L 15 overruled L 16-21 sustained</i>	Objection to 179:5-179:21 for lack of foundation, speculation about Doe Run's state of mind		

P. 178 L 4-7 overruled

Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
180:14-16 <i>Sustained</i>	Objection, leading, foundation, speculation about Zurich's motives		
180:21-181:14 <i>Sustained</i>	Objection, foundation, speculation about Doe Run's state of mind; Further objection to 181:11-14 as leading		
181:18-19 <i>Sustained</i>	Objection, foundation, speculation about Doe Run's state of mind, speculation about Zurich's motives		
182:8-183:17 <i>Sustained</i>	Objection, foundation, speculation about Doe Run's state of mind, legal conclusion, mischaracterizes the record and misstates the law		
183:19 <i>Sustained</i>	Objection, foundation, speculation about Doe Run's state of mind, legal conclusion, mischaracterizes the record and misstates the law		
183:22-184:10 <i>Sustained</i>	Objection, foundation, speculation about Doe Run's state of mind, legal conclusion, mischaracterizes the record and misstates the law		
184:13-20 <i>Sustained</i>	Objection, foundation, speculation about Doe Run's state of mind, legal conclusion, mischaracterizes the record and misstates the law		
184:23-25 <i>Sustained</i>	Objection, foundation, speculation about Doe Run's state of mind, legal conclusion, mischaracterizes the record and misstates the law		
185:6-15 <i>Sustained</i>	Objection, foundation, speculation about Doe Run's state of mind, legal conclusion, mischaracterizes the record and misstates the law		
185:18-19	Objection, foundation,		

Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
<i>Sustained</i>	speculation about Doe Run's state of mind, legal conclusion, mischaracterizes the record and misstates the law		
186:19-187:4		185:20-23, 186:5-186:18, 222:24-222:25, 223:2-22:3, 223:7-223:17	<i>Permit</i>
187:5-20 <i>overruled</i>	Objection, foundation; Further objection to 187:5-187:14 as speculation about Doe Run's state of mind; Further objection to 187:15-187:20 as speculation	212:18-212:25, 213:2-213:19, 213:21-213:25, 214:2-214:6	
<i>overruled</i>	Objection, foundation		
214:13-24 <i>overruled</i>	Objection, foundation, speculation about Doe Run's state of mind	214:25-215:3, 215:5-215:11, 215:13-215:25, 216:3-216:10, 216:13-216:25, 217:2-217:8	<i>Permit</i>

G. Deposition of Marc Halpern, January 8, 2020

Zurich objects to all of Fluor's designations of Marc Halpern's Rule 30(b)(6) deposition testimony. Halpern was deposed only as a Rule 30(b)(6) witness for non-party Doe Run; he was not deposed in his individual capacity. His testimony cannot be read into evidence in court under Fed. R. Civ. P. 32(a)(1)(C)(3), because he was not the designee of a party, nor is Fluor adverse to Doe Run. Halpern's testimony also separately fails to meet the requirements of Fed. R. Civ. P. 32(a)(1)(B) in that he repeatedly denied he was not testifying as an individual based on his personal knowledge but rather was testifying regarding Doe Run's asserted collective corporate knowledge.

Halpern's testimony must also be excluded because both Fluor and Doe Run have steadfastly failed to reveal whether Doe Run has a financial stake in this case under their settlement agreement. Without that critical information, the jury has no basis on which to evaluate Mr. Halpern's bias. By withholding this information, Fluor makes Halpern's testimony inadmissible.

Deposition of Marc Halpern January 8, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
118:9-11			
118:13-19			
162:16-22			
167:18-20			
167:22-25			
<i>overruled</i> 198:6-22	Objection, irrelevant		
<i>overruled</i> 199:4-24	Objection, legal opinions, irrelevant		
<i>overruled</i> 200:3-18	Objection, legal opinions, irrelevant		
<i>overruled</i> 200:21-22	Objection, legal opinions, irrelevant		
202:15-16			
<i>Sustain</i> 203:4-204:1	Objection, foundation, argumentative, speculation		
<i>Sustain</i> 204:4-19	Objection, foundation, argumentative, speculation about Doe Run's state of mind		
<i>Sustain</i> 204:22	Objection, foundation, speculation, hearsay		
<i>Sustain</i> 205:1-10	Objection, foundation, speculation, hearsay		
<i>Sustain</i> 206:9-207:11	Objection, foundation, argumentative, speculation about Zurich's motives		
<i>Sustain</i> 207:14-208:11	Objection, foundation, argumentative, speculation		

Deposition of Marc Halpern January 8, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
	about Zurich's motives		
208:17-209:19 <i>Sustain</i>	Objection, foundation, speculation about mediator's belief and Doe Run's state of mind		
209:25-210:6 <i>Sustain</i>	Objection, foundation, speculation		
210:18-211:8 <i>Sustain</i>	Objection, vague, foundation, speculation		
211:11 <i>Sustain</i>	Objection, vague, foundation, speculation		
211:14 <i>Sustain</i>	Objection, vague, foundation, speculation		
213:13-16 <i>Sustain</i>	Objection, foundation, hearsay, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3		
213:22-24 <i>Sustain</i>	Objection, foundation, hearsay, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3		
214:2-17 <i>Sustain</i>	Objection, foundation, speculation, vague, subject to Zurich MIL 3		
214:20-24 <i>Sustain</i>	Objection, foundation, speculation, vague, counsel testimony, misstates the record, subject to Zurich MIL 3		
215:3-6 <i>Sustain</i>	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3		
215:9 <i>Sustain</i>	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3		
215:11-13 <i>Sustain</i>	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3		
215:16-216:6 <i>Sustain</i>	Objection, foundation, speculation, counsel testimony, misstates the		

Deposition of Marc Halpern January 8, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
	record, subject to Zurich MIL 3		
216:9-12 <i>Sustain</i>	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3		
216:15-21 <i>Sustain</i>	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3		
216:24-217:12 <i>Sustain</i>	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3		

H. Deposition of Randolph Sinnott, January 10, 2020

Deposition of Randolph Sinnott January 10, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
5:9-13		5:14-5:15	
5:16-17			
9:17-10:8			
15:18-16:1		15:15-17, 16:7-16:9	
18:23-19:1		18:9-18:22	
19:3-10			
26:20-25	Need to add 26:10-26:19 for completeness		
27:1-5			
28:16-29:8	Objection, subject to Zurich MIL 11		
30:17-20			
30:24-32:11	Objection, subject to Zurich MIL 11		
31:1-25			
34:4-8			
35:8-12			
37:15-38:2	Objection, foundation, speculation	38:19-39:1, 42:13-43:1, 44:3-44:10	

5. Matthew Porten

F. Deposition of Matthew Porten (June 11, 2019)

Deposition of Matthew Porten June 11, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
8:2-8:8			
10:11-10:25			
11:2-11:5			
14:14-14:18			
15:5-15:25			
16:2-16:8			
16:20-16:25			
17:5-17:8			
33:18-33:21			
33:24-33:25			
34:2		34:10-12 <i>Permit</i>	
35:19-35:25		36:14-16 " 36:19-22 "	
114:6-114:18 <i>overruled</i>	relevance [401, 402] assumes facts not in evidence, ambiguous, confusing [611(a)]	113:2-5 <i>Permit</i> 113:7 " 113:9-13 " 115:5-7 " 115:9-10 " 115:12 " 115:15-16 " 116-8:117:12 "	
127:7-127:15			
127:20-127:25			
128:2-128:25			
129:2			
129:11-129:25			
130:2-130:25			
131:2-131:3			
131:5-131:12			
131:14-131:25			
132:2-132:10			
132:12-132:16			
132:18-132:19			
136:22-136:25			
137:2-137:7			
137:18-137:22			
138:8-138:16			
143:23-143:25			

Deposition of Matthew Porten June 11, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
144:2-144:15			
144:17-144:21			
144:23-144:25			
145:2			
146:4-146:14			
200:23-200:25		194:16-196:24	<i>permt</i>
201:2-201:4			
202:17-202:25			
203:2-203:4			
217:4-217:9		217:10-25 218:3-8	<i>Permt</i> <i>Permt</i>
235:8-235:16			
243:22-243:25			
244:2-244:15			
247:20-247:25			
248:2-248:20 <i>overruled</i>	lack of foundation [104(a), 901, 902] relevance [401, 402]		
248:23-248:25			
249:2-249:25 <i>overruled</i>	lack of foundation [104(a), 901, 902] relevance [401, 402]		
250:2-250:3			
267:2-267:15			
280:7-280:10			
280:13-280:25			
281:2-281:3			
281:5			
282:10-282:12			
286:14			
286:17-286:21			
286:24-286:25			
288:16-288:17			
288:20-288:23			
289:14-289:17			
289:19-289:25			

Deposition of Matthew Porten June 11, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
290:5-290:6 <i>overruled</i>			

G. Deposition of John Quinn (June 21, 2019)

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
7:3-7:5			
7:20-7:21			
8:24-9:21			
25:13-26:6		26:15-19, 26:21-22	<i>Relevant</i>
29:4-29:9			
29:14-29:15			
29:17-29:24			
30:10-30:19			
30:21-31:1			
31:3-31:25	assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702]		
32:2-32:5			
32:13-32:16			
32:19-32:20			
33:15-34:16			
34:18-35:20			
35:24-36:21			
36:23-37:3			
38:19-38:23			
38:25-39:4			
45:4-45:7			
45:10-46:8			
46:10-46:11			
46:14-46:24			
47:2-47:10			

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FLUOR CORPORATION,

Plaintiff,

vs.

ZURICH AMERICAN INSURANCE
COMPANY,

Defendant.

Case No. 4:16-CV-00429 ERW

AND RELATED COUNTERCLAIMS AND
CROSS-CLAIMS

**ZURICH'S OBJECTIONS AND COUNTER-DESIGNATIONS
TO FLUOR'S DEPOSITION DESIGNATIONS AND DISCOVERY DESIGNATIONS**

In accordance with this Court's Fourth Amended Case Management Order, dated February 22, 2019 (Dkt. 201), as amended in part by the Court's Orders, dated December 10, 2020 (Dkt. 495) and April 26, 2021 (Dkt. 515), Zurich American Insurance Company ("Zurich") submits the following objections and counter-designations in response to the deposition testimony and discovery responses responses designated by Fluor Corporation.

I. DEPOSITION TESTIMONY DESIGNATIONS

A. Deposition Testimony of Matthew Porten, June 11, 2019

Deposition of Matthew Porten June 11, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
9:13-19			
10:21-11:5		10:11-10:20, 14:14-14:18, 235:8-235:16 <i>permut</i>	
15:2-17		15:18-16:4	
16:5-8			
16:20-25		17:5-17:8 <i>permut</i>	

Deposition of Matthew Porten June 11, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
17:14-17			
18:12-14			
18:18-20			
18:25-19:11			
27:6-9	Objection, foundation <i>Overruled</i>		
27:12-14	Objection, foundation <i>Overruled</i>		
53:5-12			
65:3-15			
66:10-12			
66:15-21			
72:15-24			
83:20-84:6	Objection to 84:2-84:4 as speculation, lacking foundation <i>Sustain</i>		
84:9			
84:11-20			
85:14-17			
86:4-15			
87:3-24			
88:6-8			
88:10-11			
92:20			
92:23-93:10			
93:18-94:2			
94:7-9			
94:24-95:7			
105:14-19			
112:18-20		114:6-18 <i>permit</i>	
112:22			
112:24-25			
126:10-13	Objection, speculation, legal opinion <i>Sustain</i>		
126:15-16	Objection, speculation, legal opinion <i>Sustain</i>		
126:18-127:3	Objection, speculation, legal opinion, argumentative <i>Sustain</i>		
127:7-15			
127:20-128:21		128:22-129:2 <i>Permit</i>	
129:11-20		129:21-131:3, 131:5-131:12, 131:14-132:4 <i>Permit</i>	
132:5-7			
132:15-16			

<p align="center">Deposition of Matthew Porten June 11, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429</p>			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
132:18-19			
132:21-24			
133:16-22	Objection, completeness, include 133:22-133:24 <i>Overruled</i>		
133:25-134:4			
134:14-21			
135:17-136:12	Objection to 135:17-136:9 as lacking foundation <i>Overruled</i>		
136:18-19			
137:1-138:16			
139-6-13			
139:20-24			
144:4-15			
144:17-18		144:20-144:21, 144:23- <i>permt</i> 145:2, 146:4-146:14 <i>permt</i>	
149:9-17			
155:17-22			
162:11-19			
165:24-166-2			
171:11-19	Objection, vague, legal opinion <i>Overruled</i>		
178:15-20			
183:2-16			
186:24-25			
187:3-5			
187:7-11			
190:9-13			
192:21-25			
194:6-22			
199:3-4			
199:8-13			
200:23-24	Objection completeness, include 200:25-201:4 <i>Sustained</i>		
207:14-17	Objection, foundation <i>OK</i>		
208:2-18	Objection, foundation <i>OK</i>		
209:14-210:13			
210:21-211:2			
211:4-7			
214:16-20			
215:6-10		217:4-217:9 <i>permt</i>	
229:19-230:3			
240:12-21			

Deposition of Matthew Porten June 11, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
241:13-242:16 <i>Overruled</i>	Objection, foundation, speculation		
242:20-243:6 <i>Overruled</i>	Objection, foundation, speculation, legal opinion		
243:8-9 <i>Overruled</i>	Objection, foundation, speculation, legal opinion		
244:12-15			
247:21-248:7		247:20, 248:8-248:20, <i>Permit</i> 248:23-249:13 <i>Permit</i>	
249:14-250:3			
255:4-9 <i>Overruled</i>	Objection, speculation		
255:12-15 <i>Overruled</i>	Objection, speculation		
255:17-19 <i>Overruled</i>	Objection, speculation		
255:25-256:3 <i>Overruled</i>	Objection, speculation		
256:5-11 <i>Sustained</i>	Objection, legal opinion		
258:25-260:4 <i>Sustained</i>	Objection to 259:20-260:4 as speculation		
260:6 <i>Overruled</i>	Objection, speculation		
262:8-10			
262:14			
262:16-17 <i>Overruled</i>	Objection, foundation		
262:23 <i>Overruled</i>	Objection, foundation		
262:25-263:2			
265:25-266:7			
267:2-7			
267:12-268:2			
268:4-5			
268:10-17 <i>Overruled</i>			
271:3-272:13 <i>Overruled</i>	Objection, foundation		
273:3-11 <i>Overruled</i>			
273:13-274:5 <i>Overruled</i>	Objection, foundation		
274:7-8 <i>Overruled</i>	Objection, foundation		
280:7-10			
280:15-25			
281:2-3			
281:5			
281:8-282:12			
286:14			
286:17-18			
286:20-21			
286:24-25	<i>Permit</i> <i>Permit</i> <i>Permit</i>	288:16-288:17, 288:20- 288:23, 289:14-289:17, <i>Permit</i> 289:19-289:25, 290:5-290:6 <i>Permit</i>	<i>Permit</i> <i>Permit</i> <i>Permit</i>

Deposition of Matthew Porten June 11, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
288:25-289:6 <i>overruled</i>	Objection, misleading, counsel testimony		
289:8 <i>overruled</i>	Objection, misleading, counsel testimony		
289:10-13 <i>overruled</i>	Objection, misleading, counsel testimony, argumentative		
293:21-294:9 <i>overruled</i>	Objection, foundation	293:14-293:16, 293:18- 293:19, 294:2-294:9 <i>permitted</i> <i>permitted</i>	

6. Vincent Biancamano

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
	speculation [602, 701, 702]		
358:5–358:13	best evidence not offered [1001, 1002], relevance [401, 402], calls for speculation [602, 701, 702]		
358:17–358:25			
359:14–360:20	best evidence not offered [1001, 1002], relevance [401, 402], calls for speculation [602, 701, 702], calls for hearsay, no exception [801]		
382:4–382:25	lack of foundation [104(a), 901, 902], relevance [401, 402], calls for speculation [602, 701, 702]		
383:3–383:12	lack of foundation [104(a), 901, 902], relevance [401, 402], calls for speculation [602, 701, 702]		

B. Deposition of Vincent Biancamano (January 15, 2020)

Deposition of Vincent Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
4:1–4:25			
5:25–7:15			

Deposition of Vincent Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
8:24-10:5			
10:9-10:20			
12:2-12:10			
15:8-18:18			
19:4-20:12			
24:18-26:2			
32:16-32:25		33:2-9 <i>Permit</i>	
52:2-52:16 <i>overruled</i>	relevance [401, 402] calls for hearsay, no exception [801]	53:16-21 <i>Permit</i>	
64:8-65:13			
66:5-69:10 <i>P. 66 L. 5 - 67 L. 7 - overruled, P. 67 L. 3 - 68 L. 2 sustained, P. 67 L. 13 - 69 L. 10 overruled,</i>	To 68:18-69:10: relevance [401, 402] calls for hearsay, no exception [801]		
69:21-70:25			
193:22-194:11 <i>overruled</i>	best evidence not offered [1001, 1002] calls for hearsay, no exception [801] relevance [401, 402]	193:2-4 <i>Permit</i>	
195:19-197:6 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)] calls for speculation [602, 701, 702] calls for hearsay, no exception [801]	198:12-13; 198:18- <i>Permit</i> 199:2; 199:5-8; <i>Permit</i> 199:11; 199:21-24 <i>Permit</i> <i>then page number don't seem correct</i>	

Deposition of Vincent Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
	relevance [401, 402]		

C. Deposition of Marc Halpern (January 7, 2020)

Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
5:1-5:25			
6:5-6:15 <i>agreed</i>	Improper designation, move to strike		
9:19-9:25			
10:2-10:24			
14:20-14:25			
15:2-15:25 <i>sustained</i>	strike 15:14-21 as non-responsive		
16:2-16:25			
17:2-17:5			
18:4-18:22			
26:13-26:20			
33:20-33:25			
34:2-34:6			
37:23-37:25			
38:2-38:16			
38:24-38:25			
39:2-39:24			
42:17-42:20			
43:19-43:25 <i>sustained</i>	43:19-46:23 calls for hearsay, no exception [801] Lacks foundation		
44:2-44:25			
45:2-45:25			
46:2-46:23			
47:20-47:25			
48:7-48:22			

Deposition of Andrew Rothschild January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
		250:20	
251:13-21		251:22-252:6	
252:22-253:4	Objection, foundation, speculation		
253:20-254:11		254:12-254:25	
255:1-11		255:12-256:2	
256:9-18			
257:17-259:7		262:12-262:18	
259:25-260:5			
260:19-22			

K. Deposition of Vincent Biancamano, January 15, 2020

Deposition of Vincent J. Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
8:24-9:2		5:25, 6:2-6:25, 7:2-7:15, 9:3-10:5, 12:2-12:10	permitted
10:9-14		10:15-10:20	permitted
13:21-14:8			
15:8-17:10		17:11-18:14	permitted
18:15-18		19:4-19:13	permitted
19:14-19			
20:3-21:4 <i>overruled</i>	Objection to 20:13-21:4 for lack of foundation, speculation		
21:11-12			
21:17-22			
22:3-20			
24:18-26:7		32:16-32:25, 33:2-33:4	permitted
27:3-5			
29:2-13			
37:4-14			
38:2-17			
38:22-39:24 <i>overruled</i>	Objection, foundation		
41:9-24 <i>overruled</i>	Objection, foundation		
42:3-13			
42:16-23 <i>overruled</i>	Objection, foundation		

Deposition of Vincent J. Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
42:25-45:10 <i>omitted</i>	Objection, foundation		
43:15-20 <i>omitted</i>	Objection, foundation		
45:22-46:2 <i>omitted</i>	Objection, foundation		
46:4-10 <i>omitted</i>	Objection, foundation		
46:12-22 <i>omitted</i>	Objection, foundation		
47:7-10 <i>omitted</i>			
48:7-17			
50:6-9		52:2-52:16 <i>permt</i>	
50:14-51:25			
53:5-15			
55:15-20			
55:24-56:9		56:10-56:13 <i>permt</i>	
56:25-57:8			
58:3-7			
58:11-19			
59:19-61:6		61:7-61:12 <i>permt</i>	
63:14-16			
64:8-65:17			
66:5-68:17		68:21-68:25, 69:2-69:10, <i>permt</i> 193:22-193:25, <i>permt</i> 194:2-194:11 <i>permt</i>	
69:21-70:9			
70:14-71:20 <i>omitted</i>	Objection, foundation		
72:6-8 <i>omitted</i>	Objection, foundation		
73:10-19 <i>omitted</i>	Objection, foundation		
75:8-25			
77:4-11			
81:14-83:2 <i>Rule in Trial</i>	Objection, subject to Zurich MIL 11		
83:10-84:12 <i>Rule in Trial</i>	Objection, subject to Zurich MIL 11		
84:15-19 <i>Rule in Trial</i>	Objection, subject to Zurich MIL 11		
85:12-86:12	Objection, subject to Zurich MIL 11		
87:23-88:9			
89:19-23	Objection, subject to Zurich MIL 11		
90:3-91:2	Objection, subject to Zurich MIL 11		
93:6-7			
93:15-94:17		94:18-94:25	
95:2-96:6	Objection to 96:4-6 as <i>omitted</i>		

Deposition of Vincent J. Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
	speculation, lack of foundation		
96:16-24			
97:8-98:16			
99:7-100:8			
103:4-104:6			
105:19-106:8			
107:8-23 <i>sustained</i>	Objection to 107:22-23 as calls for speculation		
108:2-109:17 <i>overruled</i>	Objection, speculation		
109:20-110:8			
111:8-10			
111:15-112:2			
117:3-7		115:23-115:25, 116:2-116:21 <i>permt</i> <i>permt</i>	
117:21-118:10			
118:24-119:25			
120:3-9 <i>overruled</i>	Objection to 120:8-120:9 for lack of foundation		
120:15-17 <i>overruled</i>	Objection, foundation		
120:20-24 <i>overruled</i>	Objection, foundation		
121:2-122:2 <i>overruled</i>	Objection, foundation, speculation		
123:2-15 <i>overruled</i>	Objection, foundation, speculation		
123:20-124:2 <i>overruled</i>	Objection, foundation, speculation		
124:11-12 <i>overruled</i>	Objection, foundation		
124:20-125:24 <i>overruled</i>	Objection, foundation, speculation	125:25, 126:2-126:12 <i>permt</i>	
126:13-127:2		127:3-4, 127:8-11 <i>permt</i>	
127:18-20			
128:2-3			
128:12-129:9		129:10-129:12 <i>permt</i>	
130:12-131:10			
133:14-18 <i>sustained</i>	Objection, speculation, hypothetical, asks for legal conclusion		
133:20-23 <i>sustained</i>	Objection, speculation, hypothetical, asks for legal conclusion		
134:2-6 <i>overruled</i>	Objection to 134:2 as speculation, hypothetical, legal conclusion		
134:22-24			

Deposition of Vincent J. Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
135:4-136:11			
137:22-24			
138:4-139:10 <i>Sustained</i>	Objection, foundation, speculation		
139:13-22 <i>Sustained</i>	Objection, foundation, speculation		
139:25 <i>sustained</i>	Objection, foundation, speculation		
140:12-14			
140:18-142:3		195:19-195:25, 196:2-196:25, 197:2-197:6 <i>perust</i>	
143:14-144:20			
144:23-145:3			
145:11-12			
145:25-148:10			
152:13-153:25 <i>overruled</i>	Objection 153:14-153:15 as calling for speculation		
153:17-154:9 <i>overruled</i>	Objection to 153:17-18 as speculation, foundation		
154:11-17 <i>sustained</i>	Objection to 154:15-17 as calling for speculation		
154:19-155:18 <i>overruled</i>	Objection to 154:19-154:24 as speculation; Objection to 155:16-18 as calling for speculation, lacking foundation		
155:20-156:3 <i>overruled</i>	Objection to 155:20-155:24 as speculation, lack of foundation		
157:19-22 <i>overruled</i>	Objection, foundation		
158:11-159:11 <i>overruled</i>	Objection, foundation		
160:5-15 <i>overruled</i>	Objection, foundation		
161:21-162:6 <i>overruled</i>	Objection, foundation		
165:12-23			
173:12-25		174:2-174:4, 174:8-174:15 <i>perust</i>	
174:16-25		175:2-175:7 <i>perust</i>	
175:8-13			
178:10-12			
178:16-18			
178:21-24			
179:5-180:23			
181:13-182:9		182:10-182:17	
182:18-183:9 <i>sustained</i>	Objection to 183:13-15 as vague, calling for speculation		

Deposition of Vincent J. Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
183:12-22 <i>overruled</i>	Objection, speculation		
184:10-13 <i>overruled</i>	Objection, speculation		
184:15			
185:24-186:6 <i>overruled</i>	Objection, foundation, speculation		
186:8-11 <i>overruled</i>	Objection, foundation, speculation		
186:13-14 <i>overruled</i>	Objection, foundation, speculation; Need to add 186:15-186:23 for completeness		
186:24-187:3		187:4-187:6	
192:19-23 <i>overruled</i>	Irrelevant, unfairly prejudicial		
200:4-16 <i>overruled</i>	Objection, foundation		
200:18-201:8 <i>overruled</i>	Objection to 201:5-201:8 as speculation, lacking foundation		
202:3-17 <i>overruled</i>	Objection, speculation, foundation		

7. Andrew Rothschild

Deposition of John Mahoney January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
	counsel testimony		
124:16-125:2	Objection, foundation, counsel testimony		
125:12-126:5	Objection, foundation, counsel testimony		
126:8	Objection, foundation, counsel testimony		
126:16-19	Objection, foundation, counsel testimony		
136:6-137:7		137:8-137:11, 137:13	
139:18-140:2	Objection, foundation, counsel testimony		
140:6	Objection, foundation, counsel testimony		
140:26-141:5	Objection, foundation, counsel testimony		

J. Deposition of Andrew Rothschild, January 14, 2020

Zurich objects to all of Fluor's designations of Andrew Rothschild's Rule 30(b)(6) deposition testimony. Rothschild was deposed as a Rule 30(b)(6) witness for non-party Doe Run; his testimony as designee cannot be read into evidence in court under Fed. R. Civ. P. 32(a)(1)(C)(3), because he was not the designee of a party, nor is Fluor adverse to Doe Run. Much of Rothschild's testimony also separately fails to meet the requirements of Fed. R. Civ. P. 32(a)(1)(B), that the deposition "be admissible under the Federal Rules of Evidence if the deponent were present and testifying" in court. Rothschild testified as Doe Run's corporate representative about matters outside his own personal knowledge, based on hearsay and information purportedly learned from others.

Deposition of Andrew Rothschild January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
18:11-19:10		17:7-18:3, 20:10-21:18, 22:17-22:23	
23:10-15			
23:21-23		23:24-24:20, 26:18-21	
26:22-27:16		27:23-28:24, 29:1-29:5	
29:6-7			
29:13-21		29:22-30:5	
31:12-15		31:18-33:1, 33:14-35:14, 35:17-35:23, 36:24-37:23	

Deposition of Andrew Rothschild January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
47:16-21		43:12-46:5, 46:12-47:4, 47:15	<i>all permitted</i>
47:24-48:12		48:13-48:18	
48:19-23		48:24-50:6, 50:8-52:22	
71:12-23		71:24-86:19	
86:22-24			
87:2-5		87:6-91:8	
91:9-18			
91:21-25		92:3-94:2	
94:9-17		94:18-95:16	
95:17-20		96:5-97:11	
97:12-98:21		99:3-99:9, 99:11-100:5, 100:20-103:1, 103:3-103:25	
104:1-18		104:19-106:6, 106:11-106:17	
106:18-23		106:24-108:5, 108:22-108:23	
109:10-19			
109:22-24		109:25-111:24	
112:5-12		112:13-113:6, 113:9-114:2	
114:12-25		115:1-115:6	
115:7-9		115:10-115:25	
116:12-21		116:22-117:14	
117:16-22			
117:25-118:19 <i>overruled</i>	Objection, subject to Zurich MIL 3		
129:2-4		124:25-125:4, 126:2-129:1	
129:7-13		129:14-131:4	
131:15-132:14		132:15-133:19	
133:20-22			
133:25-134:3			
134:6-12			
134:23-135:3		135:4-135:14	
135:15-20		135:21-136:9	
136:10-13		136:14-136:17	
136:24-138:9		139:11-139:25	
140:14-24			
141:2-4			
141:7-13		141:14-141:24	
141:25-142:16		142:17-143:7, 143:11-144:4, 144:8-145:9, 145:14-145:16, 145:18-146:18, 146:23,	

Deposition of Andrew Rothschild January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
		147:1-147:4, 147:8-147:13, 147:17-149:8, 149:14-149:19, 149:23-150:11, 150:22-155:7, 155:10-155:13, 155:23-158:10, 160:16-161:2	
200:19-24		201:14-201:19	
201:20-202:9 <i>overruled</i>	Objection, foundation		
202:24-204:18 <i>overruled</i>	Objection to 202:24-203:15 as lacking foundation	204:19-206:17	
208:23-209:19 <i>overruled</i>	Objection to 208:23-209:4 as lacking foundation	209:20-210:2	
210:3-12		210:13-210:14, 210:18-210:22, 211:11-211:15, 212:7-212:23, 213:25-214:19	
219:5-11		220:18-221:12	
221:13-25		222:9-222:19	
222:20-223:3			
224:1-225:7		226:18-226:23	
229:1-6 <i>overruled</i>	Objection, foundation, speculation about Doe Run's state of mind		
229:11-230:23 <i>overruled</i>	Objection, foundation, speculation about Doe Run's state of mind		
232:8-14			
234:14-236:5 <i>sustained</i>	Objection, foundation, speculation about Doe Run's state of mind		
236:23-237:13			
239:5-12 <i>overruled</i>	Objection, foundation, speculation		
239:17-240:7 <i>overruled</i>	Objection, foundation, speculation		
240:10-241:17		242:1-242:5, 242:10-242:14, 243:15-244:18	
246:15-21 <i>sustained</i>	Objection, foundation, speculation about Doe Run's state of mind		
247:11-248:12 <i>sustained</i>	Objection, foundation, speculation about Doe Run's state of mind		
248:15-16 <i>overruled</i>	Objection, foundation, speculation about Doe Run's state of mind		
250:21-251:2		249:16-249:25, 250:11-	

Deposition of Andrew Rothschild January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
		250:20	
251:13-21		251:22-252:6	
252:22-253:4 <i>overruled</i>	Objection, foundation, speculation		
253:20-254:11		254:12-254:25	
255:1-11		255:12-256:2	
256:9-18			
257:17-259:7		262:12-262:18	
259:25-260:5			
260:19-22			

K. Deposition of Vincent Biancamano, January 15, 2020

Deposition of Vincent J. Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
8:24-9:2		5:25, 6:2-6:25, 7:2-7:15, 9:3-10:5, 12:2-12:10	
10:9-14		10:15-10:20	
13:21-14:8			
15:8-17:10		17:11-18:14	
18:15-18		19:4-19:13	
19:14-19			
20:3-21:4	Objection to 20:13-21:4 for lack of foundation, speculation		
21:11-12			
21:17-22			
22:3-20			
24:18-26:7		32:16-32:25, 33:2-33:4	
27:3-5			
29:2-13			
37:4-14			
38:2-17			
38:22-39:24	Objection, foundation		
41:9-24	Objection, foundation		
42:3-13			
42:16-23	Objection, foundation		

Deposition of John Quinn December 13, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
	assumes facts not in evidence, ambiguous, confusing [611(a)]		
91:23-92:1	relevance [401, 402] assumes facts not in evidence, ambiguous, confusing [611(a)]		
92:12-93:18	calls for speculation [602, 701, 702] relevance [401, 402]		
93:21-94:2	calls for speculation [602, 701, 702] relevance [401, 402]		
94:4-94:20	calls for speculation [602, 701, 702] relevance [401, 402]		
94:22-94:24	calls for speculation [602, 701, 702] relevance [401, 402]		
95:3-95:18	calls for speculation [602, 701, 702] relevance [401, 402]		
95:20-96:1	calls for speculation [602, 701, 702] relevance [401, 402]		
96:1-96:19	calls for speculation [602, 701, 702] relevance [401, 402]		

I. Deposition of Andrew Rothschild (January 14, 2020)

Deposition of Andrew Rothschild January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
17:7-18:3			
18:11-19:10			
20:10-21:18 <i>omitted</i>	relevance [401, 402], assumes facts not in		

	evidence, ambiguous, confusing [611(a)]		
22:17-22:23 <i>overruled</i>	relevance [401, 402], assumes facts not in evidence, ambiguous, confusing [611(a)]		
23:10-23:15			
23:21-24:20			
26:18-27:16		26:4-26:17 <i>permitted</i>	
27:23-28:24 <i>overruled</i>	calls for speculation [602, 701, 702], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for hearsay, no exception [801]		
29:1-29:5			
29:13-30:5			
31:18-33:1 <i>overruled</i>	calls for speculation [602, 701, 702]		
33:14-35:14	calls for hearsay, no exception [801], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]		
35:17-35:23 <i>overruled</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]		
36:24-37:5 <i>sustained</i>	Improper designation - not a question		
37:9-40:7 p. 3947-15 <i>sustained, otherwise, permitted</i>	lack of foundation [104(a), 901, 902], calls for speculation [602, 701, 702]		
40:20-40:23 <i>overruled</i>	lack of foundation [104(a), 901, 902], calls for speculation [602, 701, 702],		

	relevance [401, 402]		
41:6-41:16			
41:20-42:2			
43:12-46:5			
46:12-47:4		47:9-47:10 <i>permit</i>	
47:15-50:6 P. 48 L 19-23 Sustained. P. 49 L 16-25 Sustained P. 50 L 1-6 Sustained Balances, Overruled	Objection is to 49:17-50:6 lack of foundation [104(a), 901, 902], calls for speculation [602, 701, 702]		
50:8-53:24 P. 50 L 7-10 Sustained P. 51 L 9-13 Sustained. Balances Overruled	calls for speculation [602, 701, 702], lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for hearsay, no exception [801]		
54:7-54:11 Sustained	calls for speculation [602, 701, 702]	54:4-54:6 <i>permit</i>	
54:16-55:10 Sustained	calls for hearsay, no exception [801], calls for speculation [602, 701, 702]		
55:13-56:17			
56:25-62:21 Overruled	calls for hearsay, no exception [801]		
63:18-66:8 P. 64 L 12-66 L 8	lack of foundation [104(a), 901, 902], calls for hearsay, no exception [801]	66:9-66:11 <i>permit</i>	
71:12-91:18 P. 72 L 12-73 L 1- Sustained. P. 73 L 8-11 Sustained P. 74 L 20-75 L 8 Sustained. P. 76 L 2-23 Sustained P. 77 L 1-70 L 5 Sustained. P. 82 L 16 Sustained. P. 84 L 18-85 L 1 L 17 Sustained. P. 88 L 1-89 L 8	No Objection to 71:12-23, 86:22-24, 87:2-5, 91:9-18; objections to remaining: lack of foundation [104(a), 901, 902], calls for hearsay, no exception [801], assumes facts not in evidence, ambiguous, confusing [611(a)],		

Sustained. P. 90 L 14
Sustained. P. 91 L 3-
8 Sustained. The
balance is Overruled.

	move to strike 75:17-19 as non-responsive		
91:21-91:25			
92:3-94:2 <i>overruled</i>	lack of foundation [104(a), 901, 902], relevance [401, 402], assumes facts not in evidence, ambiguous, confusing [611(a)]		
94:9-95:20			
96:5-98:22 <i>P. 98:14-16 sustained.</i>	No objection to 97:12-98:22; objection to remaining: calls for speculation [602, 701, 702]	98:23-99:1 <i>permitted</i>	
99:2-99:9 <i>Sustained</i>	calls for speculation [602, 701, 702]		
99:11-100:5 <i>Sustained</i>	assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702], move to strike 99:11-12 after "the answer" as non-responsive		
100:20-103:1 <i>P100-120 - P101 L 4 sustained, P101 L 20 - P102 L 1 sustained. P102 L 19-24 sustained.</i>	calls for hearsay, no exception [801], calls for speculation [602, 701, 702], lack of foundation [104(a), 901, 902]		
103:3-106:6 <i>P103 L 6 - L 25 sustained. P104 L 19-23 sustained. P105 L 1-5 sustained. P105 L 20-25 sustained.</i>	No objection to 104:1-18; objections to remaining: calls for speculation [602, 701, 702], calls for hearsay, no exception [801], calls for speculation [602, 701, 702]		
106:11-108:12 <i>P107 L 16-24 sustained. Balance overruled.</i>	No objection to 106:18-23; objections to remaining: calls for hearsay, no exception [801], calls		

	for speculation [602, 701, 702], lack of foundation [104(a), 901, 902]. assumes facts not in evidence, ambiguous, confusing [611(a)]		
108:22-108:23 <i>Sustained</i>	calls for speculation [602, 701, 702], lack of foundation [104(a), 901, 902]. assumes facts not in evidence, ambiguous, confusing [611(a)]		
109:10-111:24 <i>¶ 111 L 4-47 Sustained. Balance overruled</i>	No objection to 109:10-19, 109:22-24; objections to remaining: calls for speculation [602, 701, 702], lack of foundation [104(a), 901, 902], calls for hearsay, no exception [801], move to strike 110:6-8 beginning with "but I have said" as non-responsive		
112:5-113:6 <i>¶ 112 L 13 - ¶ 113 L 4 Sustained. Balance overruled</i>	No objection to 112:5-12; objections to remaining: calls for speculation [602, 701, 702], calls for hearsay, no exception [801]		
113:9-114:2 <i>Sustained</i>	calls for speculation [602, 701, 702], calls for hearsay, no exception [801]		
114:12-115:25 <i>¶ 114 L 18-115 L 1 Sustained. Balance overruled</i>	No objection to 114:12-25, 115:7-9; objections to remaining: calls for speculation [602, 701, 702], calls for hearsay, no exception		

	[801]		
116:12-117:22			
120:15-120:22 <i>Sustained</i>	calls for hearsay, no exception [801]		
124:25-125:4			
126:2-131:4 <i>P126:2-23 Sustained, P. 126:1, 24-P124:613- Sustained, P130:1-14 sustained, B alone ruled</i>	No objection to 129:2-4, 129:7-13; objections to remaining: lack of foundation [104(a), 901, 902]		
131:15-134:3			
134:23-136:17			
136:22-138:9			
139:11-139:25 <i>overruled</i>	lack of foundation [104(a), 901, 902], calls for speculation [602, 701, 702]	138:24-139:10 <i>permt</i>	
140:14-143:7			
143:11-144:4			
144:8-145:9			
145:14-145:16			
145:18-146:18			
146:23			
147:1-147:4		147:5-147:7 <i>permt</i>	
147:8-147:13 <i>sustained</i>	calls for hearsay, no exception [801], calls for speculation [602, 701, 702]		
147:17-149:8 <i>Sustained</i>	lack of foundation [104(a), 901, 902], calls for hearsay, no exception [801], calls for speculation [602, 701, 702]		
149:14-149:19			
149:23-150:8 <i>Sustained</i>	calls for hearsay, no exception [801], lack of foundation [104(a), 901, 902]		
150:22-155:7 <i>Sustained</i>	lack of foundation [104(a), 901, 902], calls for hearsay, no exception [801]	155:8-155:9 <i>Permt</i>	
155:10-155:13 <i>overruled</i>	lack of foundation [104(a), 901, 902]		

155:23-158:10 <i>P 156 L 11 - P 158 L 10 Sustained. Balance overruled</i>	calls for hearsay, no exception [801], relevance [401, 402], calls for hearsay, no exception [801]		
160:16-161:2 <i>sustained</i>	lack of foundation [104(a), 901, 902], calls for speculation [602, 701, 702], calls for hearsay, no exception [801]		
164:5-165:17 <i>P 164 L 5 - 14 - sustained, Balance overruled,</i>	No objection to 164:5-16; objections to remaining: Relevance [401, 402], assumes facts not in evidence, ambiguous, confusing [611(a)]		
165:21-166:4 <i>Sustained</i>	relevance [401, 402]	166:5-166:14 <i>permit</i>	
166:15-166:20 <i>Sustained</i>	relevance [401, 402]		
167:12-167:18 <i>Sustained</i>	relevance [401, 402]		
170:13-172:1	relevance [401, 402]		
172:3-173:9	relevance [401, 402], calls for hearsay, no exception [801]		
176:18-176:22 <i>overruled</i>	relevance [401, 402], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]		
178:2-178:6 <i>overruled</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], relevance [401, 402]		
178:13-178:19 <i>overruled</i>	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], relevance [401, 402]		
183:3-183:23 <i>overruled</i>	lack of foundation [104(a), 901, 902],		

P 176 L 13-18 -
overruled
Balance sustained

	calls for hearsay, no exception [801], assumes facts not in evidence, ambiguous, confusing [611(a)], relevance [401, 402]		
184:5-184:7 <i>overruled</i>	lack of foundation [104(a), 901, 902], calls for hearsay, no exception [801], assumes facts not in evidence, ambiguous, confusing [611(a)], relevance [401, 402]		
187:10-188:4 <i>overruled</i>	lack of foundation [104(a), 901, 902], calls for hearsay, no exception [801], assumes facts not in evidence, ambiguous, confusing [611(a)], relevance [401, 402], Cumulative		
190:21-193:1 <i>P 191-1-125 sustained P 192 6-20-25 sustained</i>	Cumulative, Calls for speculation [602, 701, 702], Lack of foundation [104(a), 901, 902]		
197:11-198:9	calls for speculation [602, 701, 702], relevance [401, 402],		
198:19-199:6 <i>overruled</i>	assumes facts not in evidence, ambiguous, confusing [611(a)], relevance [401, 402], improper designation		
201:14-201:19			
203:16-206:17			
209:5-210:14			
210:18-210:22			
211:11-211:15			
212:7-212:23		212:24-213:16 <i>per my</i>	
213:25-214:19			
220:18-221:25 <i>p 220:18-221:25 sustained</i>	Move to strike 221:7-12 as non-responsive		

222:9-223:3			
240:2-240:7			
240:10-240:15			
242:1-242:5		242:6-242:9	<i>permit</i>
242:10-242:14		242:15-243:6	<i>permit</i>
243:15-244:18			
249:16-249:25 <i>Sustained</i>	calls for speculation [602, 701, 702]		
250:12-250:20 <i>Sustained</i>	calls for speculation [602, 701, 702]	251:3-251:8	<i>permit</i>
251:13-252:6			
253:20-256:2			
262:12-262:18			

8. John Mahoney

E. Deposition of John Mahoney (January 14, 2020)

Deposition of John Mahoney January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
6:5-6:16			
8:16-8:25			
9:2-9:25			
10:2-10:25			
11:2-11:4			
11:8-11:25			
12:2-12:25			
13:2-13:25			
14:2-14:8			
14:10-14:25			
15:2-15:25			
16:2-16:24			
17:23-17:25			
18:2			
19:8-19:12			
27:6-27:25			
55:12-55:25			
58:14-58:25		54:8-55:2 <i>permit</i>	
59:2-59:9			
100:15-100:19			
136:6-136:25			
137:2-137:11	calls for speculation [602, 701, 702] assumes facts not in evidence, ambiguous, confusing [611(a)]	137:15-17 <i>permit</i> 137:19-22 <i>permit</i>	
137:12-137:13	<i>Sustained</i>	137:24-138:12 <i>permit</i>	

Deposition of John Mahoney January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
37:13-19			
38:16-20			
39:19-41:14			
42:12-15 <i>Sustained</i>	Objection, calls for speculation		
42:18-45:4 <i>Sustained</i>	Objection to 42:18 as speculation		
45:12-19			
45:24-47:5		47:6-47:10 <i>permit</i>	
47:11-48:10			
48:23-25			
49:5-6			
49:8			
49:10			
49:12			
49:14-23			
50:3-14			
50:23-51:3			
51:8-12			
53:18-54:7			
55:3-25			
56:2-6		56:7-56:18 <i>permit</i>	
56:19-57:10			
58:4-18		58:19-59:3 <i>permit</i>	
59:4-6		59:7-59:9 <i>permit</i>	
59:7-9 59:10-24 <i>overruled</i>	Need to include 59:7-59:9 for completeness	59:25-60:18 <i>permit</i>	
60:19-61:19			
62:10-15			
67:8-25			
68:2-15			
68:21-25			
69:2-21			
70:8-15			
70:24-71:7			
72:4-9			
72:11			
72:15-16			
73:15-74:3			
75:17-19			
75:22			

Deposition of John Mahoney January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
77:6-11 <i>Sustained</i>	Objection, argumentative, counsel testimony		
80:2-25			
81:2-15			
81:24-25			
82:8-24 <i>overruled</i>	Objection, foundation		
82:25-83:11			
83:16-24			
84:5-21 <i>overruled</i>	Objection, foundation		
88:18-20			
89:25-90:3 <i>overruled</i>	Objection, foundation		
90:6 <i>overruled</i>	Objection, foundation		
90:8-9			
90:18-20			
90:25-91:7			
92:6-17 <i>overruled</i>	Objection, foundation, speculation		
93:12-18	Objection, unintelligible, assumes facts not in evidence		
94:5-10 <i>overruled</i>	Objection, speculation, foundation		
96:14-97:2			
98:5-18			
98:21-100:14			
112:12-14		100:15-100:19	
112:22-24			
113:9-11			
113:24-114:20 <i>overruled</i>	Need to add 114:21-114:25 for completeness		
115:2-8			
115:22-25			
117:8-18			
118:22-25 <i>Sustained</i>	Objection, irrelevant, unfairly prejudicial		
119:9-14 <i>Sustained</i>	Objection, irrelevant, unfairly prejudicial		
121:8-20	Objection, subject to Zurich MIL 11		
122:5-25	Objection, subject to Zurich MIL 11		
123:2-11	Objection, subject to Zurich MIL 11		
124:6-14	Objection, foundation,		

They will be ruled off the policy is made in court question by question

Deposition of John Mahoney January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
	counsel testimony		
124:16-125:2 <i>overruled</i>	Objection, foundation, counsel testimony		
125:12-126:5 <i>overruled</i>	Objection, foundation, counsel testimony		
126:8 <i>overruled</i>	Objection, foundation, counsel testimony		
126:16-19 <i>overruled</i>	Objection, foundation, counsel testimony		
136:6-137:7		137:8-137:11, 137:13	
139:18-140:2 <i>overruled</i>	Objection, foundation, counsel testimony		
140:6 <i>overruled</i>	Objection, foundation, counsel testimony		
140:20-141:5 <i>overruled</i>	Objection, foundation, counsel testimony		

J. Deposition of Andrew Rothschild, January 14, 2020

Zurich objects to all of Fluor's designations of Andrew Rothschild's Rule 30(b)(6) deposition testimony. Rothschild was deposed as a Rule 30(b)(6) witness for non-party Doe Run; his testimony as designee cannot be read into evidence in court under Fed. R. Civ. P. 32(a)(1)(C)(3), because he was not the designee of a party, nor is Fluor adverse to Doe Run. Much of Rothschild's testimony also separately fails to meet the requirements of Fed. R. Civ. P. 32(a)(1)(B), that the deposition "be admissible under the Federal Rules of Evidence if the deponent were present and testifying" in court. Rothschild testified as Doe Run's corporate representative about matters outside his own personal knowledge, based on hearsay and information purportedly learned from others.

Deposition of Andrew Rothschild January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
18:11-19:10		17:7-18:3, 20:10-21:18, 22:17-22:23	
23:10-15			
23:21-23		23:24-24:20, 26:18-21	
26:22-27:16		27:23-28:24, 29:1-29:5	
29:6-7			
29:13-21		29:22-30:5	
31:12-15		31:18-33:1, 33:14-35:14, 35:17-35:23, 36:24-37:23	

SO ORDERED this 25th day of July, 2021.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written over a horizontal line.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE